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A MANUAL OF THE DISCIPLINE
METHODIST EPISCOPAL CHURCH, SOUTH

A

Manual of the Discipline

OF THE

METHODIST EPISCOPAL CHURCH, SOUTH

INCLUDING THE

Decisions of the College of Bishops

By HOLLAND N. McTYEIRE, D.D.
One of the Bishops of the M. E. Church, South

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PREFACE TO TWELFTH EDITION.

THE General Conference of 1866 requested the Bishops "to prepare for publication a Commentary on the Discipline, embracing Episcopal decisions, with a view to produce a harmonious administration thereof." (Journal, p. 42.)

In April, 1867, the author was designated and desired by his colleagues to undertake the present work. At their next annual meeting progress was reported. By May, 1869, the Manual had been completed in its present outline and nearly all its details and was submitted to those who had requested its preparation, and by them recommended for publication.

The Journals of the General Conferences have been the chief sources of authority. It has been attempted to present the principles and precedents established in adjudicated cases. To read those Journals through, and make notes on them, was the first step in the work, and but a small part of the labor. Besides such original and authentic sources, the following books have been found very useful: Old editions of the Discipline, especially those of 1797 and 1808; Emory's History of the Discipline; Hedding's Discourse on the Administration of Discipline; Baker on Discipline—a pioneer in this field, to whom every one coming after him must be indebted; and last, but not least, as the following pages testify, the "Life and Times of William McKendree," by Bishop Paine.

H. N. McTYEIRE.

NASHVILLE, TENN., September 21, 1887.

PREFACE TO THIRTEENTH EDITION.

THIS edition conforms the Manual to changes made in the Discipline since 1886.

R. K. HARGROVE,
Secretary College of Bishops.

July 8, 1899.

PREFACE TO FOURTEENTH EDITION.

THIS edition has been prepared by order of the College of Bishops, by whom it has been approved also. It conforms the Manual to changes made in the Discipline since 1898.

W. A. CANDLER,
Editor.

May 15, 1910.

PREFACE TO SEVENTEENTH EDITION, REVISED.

BISHOP ASBURY, in the terse style of his Journal, says: "Read our Form of Discipline, in manuscript, which Brother Dickens[1] has been preparing for the press" (Journal, Saturday, March 25, 1786). This was that rare and famous Discipline of 1787, whose title-page begins, "A Form of Discipline," and concludes, "Arranged under proper HEADS, and METHODIZED in a more acceptable and easy Manner." That Discipline is a pamphlet of forty-four pages, with three added pages of Index. From that date our Discipline has followed, to some extent, the form then adopted; and while to-day the small book is larger, it is interesting to note that almost the whole of that and subsequent Disciplines through the interval is in the present Discipline, no small part of it being in their exact language. It will bear study, close study, and will be found to be a mine of wisdom. The method of changing it has marred its English, and doubtless in other respects it can be here and there improved. Certainly it must be altered from time to time, because a growing Church will

[1]This, though the spelling often found in the books is almost certainly erroneous. In the five editions of the Discipline, 1790-1798, and in the first bound Minutes (1795), the title-page contains "Sold by John Dickins." In the body of the Minutes and Discipline in every instance "Dickins" is the spelling, and Dickins was "employed to manage the Printing-business," and must have supervised the publications.

need a different application of old rules, as it will need to adopt new ones.

Much has been written to defend and explain this little book, nothing better than Bishop McTyeire's Manual, now more than fifty years old. Perhaps as a sane and great ecclesiastical lawyer Bishop McTyeire had no superior in American Methodism. His "Manual of the Discipline," while highly esteemed, has not had the influence it deserves. In the study and application of our law the Church cannot accept as final the opinion of any man, however great and gifted. But this Manual is not the opinion of one man, nor is it simply the opinion of the College of Bishops by which it was approved. Bishop McTyeire was altogether too wise to put forth a book on the law of the Church containing simply the opinion of his colleagues and himself. In addition to the works mentioned in his preface, he used largely the unrepealed enactments of the General Conference, enactments which, though they are not published in the Discipline, are law. Had that fact been known, the book would have had a greater influence.

This revision makes some rearrangement of the paragraphs, introduces into the text those decisions of the College of Bishops applicable to the points under discussion, adds a number of General Conference enactments not heretofore included, corrects all discovered misprints and other mistakes, and in footnotes makes reference to the source of many quotations. These footnotes will give the bibliography used.

The College of Bishops laid on the reviser the duty he has tried to perform, and after patient examination has approved the work.

COLLINS DENNY,
Secretary of the College of Bishops.

RICHMOND, VA., June 30, 1920.

PREFACE TO EIGHTEENTH EDITION, REVISED.

In this revision an attempt has been made to conform the Manual to the enactments of the General Conference of 1922, to correct all discovered errors in preceding editions, to add such additions as would assist in making clear any obscurities, and to supply needed information. Every change occurring herein has been approved by the unanimous action of the College of Bishops.

COLLINS DENNY,
Secretary of the College of Bishops.

May 7, 1924.

A MANUAL OF THE DISCIPLINE.

CHAPTER I.

THE CONFERENCES.

SECTION I.

THE GENERAL CONFERENCE.

1. PRIOR to 1792 the Discipline contains no reference to the General Conference. Under the caption, "From the General Conference in 1784, to the end of the year 1786," in his History, speaking of the plan for a General Conference agreed upon by Coke, Asbury, and "some more of the preachers who were present" when Coke and Asbury first met on Sunday,[1] November 14, 1784, at Barratt's Chapel in Delaware, Jesse Lee says: "It was judged advisable to call together all the travelling preachers in a general conference to be held in *Baltimore* at Christmas."[2] In speaking of his coming to Barratt's Chapel Coke[3] says that Asbury, in anticipation of their meeting that day, "had called together a considerable number of the preachers to form a council;[4] and if they were of opinion that it would

[1]Asbury, Journal, enters November 15 as Sunday. This is an error. That Sunday was November 14.

[2]Lee's "Short History of the Methodists," p. 93.

[3]Journal of Thomas Coke from September 18, 1784, to June 3, 1785, in Philadelphia *Arminian Magazine*, May, 1789, pp. 237-244.

[4]Coke, *op. cit.*, says: "After dining, in company with eleven of the preachers, at our Sister Barret's." Freeborn Garrettson, Journal, English *Arminian Magazine*, 1794, p. 451, says: I "accompanied them [Coke and Whatcoat] to the quarterly meeting at Barret's Chapel; fifteen preachers were present; and it

be expedient immediately to call a conference, it should be done. They were accordingly called and, after debate, were unanimously of opinion that it would be best immediately to call a conference of all the travelling preachers on the continent. We therefore sent off Freeborn Garrettson like an arrow, the whole length of the continent, or of our work, directing him to send messengers to the right and left, and to gather all the preachers together at Baltimore, on Christmas Eve." The first General Conference, by way of eminence called the Christmas Conference, was composed of traveling preachers. Coke tells us there were 81 preachers, and he says, "near sixty of them were present."[5] The second General Conference met November 1, 1792, and was composed of "our preachers who had been received into full connection."[6]

The Discipline of 1792, in answer to the question, "Who shall compose the General Conference?" says: "All the Travelling Preachers who

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was concluded that I should go through the continent and call a General Conference at Baltimore." See also for substantially the same statement, in almost identical words, "The Experience and Travels of Mr. Freeborn Garrettson," etc., Philadelphia, 1792, p. 198. Ezekiel Cooper, who also was present, says: "On the 14th of the same month, November, they [Coke and Whatcoat] met Mr. Asbury, and about fifteen of the American preachers at a Quarterly Meeting, held in Barrett's Chapel, Kent County, State of Delaware. I was there a witness, with my eyes, my ears, and my heart. . . . It was at that meeting . . . that by mutual consent and agreement, of the preachers there, that the General Conference was called to meet in Baltimore, on the Christmas following, to take into consideration the proposals and advice of Mr. Wesley." (Cooper's "Funeral Discourse on the Death of Asbury," pp. 104, 108.) Leroy M. Lee, "Life of Jesse Lee," p. 133, note, says: "About twelve had been drawn together by Mr. Asbury to meet Dr. Coke." He cites no authority for this number.

[5]Journal, *op. cit.* [6]Lee's "Short History," p. 176.

shall be in full connexion at the time of holding the Conference."[7] The question and answer remained unchanged till the publication of the Discipline of 1801,[8] in which the answer is, "All the travelling preachers who have travelled four years, and are in full connection at the time of holding the Conference." In the Discipline of 1804[9] the answer reads: "All the preachers, who shall have travelled four years from the time that they were received on trial by an annual conference, and are in full connection at the time of holding the conference."[10]

When the General Conference of 1808 met, the official minutes of the Church show that there were five hundred and sixteen traveling preachers. Of these, two hundred and forty are marked as Elders, and of these Elders five were supernumeraries and six superannuates. Those preachers were members who had traveled four years from the time of their reception on trial by an Annual Conference, and were in full connection at the time the General Conference was held. Those who met at the appointed time and place, whether many or few, constituted the General Conference. which then possessed unrestricted powers.

[7]Discipline, 1792, pp. 14, 15. [8]Discipline, 1801, p. 15.

[9]Discipline, 1804, p. 15.

[10]The Discipline of 1792 is "the eighth edition," that of 1797 is "the ninth edition," that of 1798 is "the tenth edition," that of 1801 is "the eleventh edition." There is no known extant Journal of the General Conference of 1784, nor of 1792. The Journal of 1796 contains but 18 pages octavo, of which three include the form of deed for churches, three a plan of education for seminaries of learning, two the Chartered Fund, and two an address to the British Conference. No roll is given. The Journal of 1800 contains sixteen octavo pages, that of 1804 twenty pages, that of 1808 twenty-four pages, including the roll of members present and the rules of order.

The minutes of the seven Annual Conferences for the year 1807-08, the last sessions preceding the General Conference of 1808, report 516 traveling preachers, including 103 admitted on trial and 74 who remained on trial. Of the remaining 339, as we have seen, only those who had traveled four years from the time of their admission on trial and were in full connection when the General Conference met were members of the General Conference. Ordination was not a prerequisite to membership in the General Conference,[11] as the quotations from the Discipline given above show, not even ordination to the diaconate, nor is it now. The minutes show that numbers of preachers were admitted into full connection who were not elected to deacon's orders. The Journal of the General Conference of 1808 reports 131[12] members present, of whom three were superannuates, one supernumerary, and some who had not been advanced to the Eldership. Including the two whose names do not appear on the roll, the Philadelphia Conference had 33 members, the Baltimore 32, these two Conferences together lacking but one of a majority of the body. There were manifest and expected dangers in this preponderance of the two central Con-

[11]This fact shows the need of some qualification of the usual statement that constitutionally the ultimate authority in American Methodism is "the body of traveling elders." The minutes of 1807-08 show 233 Elders, but a minute examination of the records is necessary to determine the exact number of Elders at the time the General Conference met.

[12]Every known Church historian who discusses the General Conference of 1808 has overlooked the fact that two preachers whose names do not appear on the roll of members, "upon a selection of the conference were accepted," one from the Philadelphia, the other from the Baltimore Conference. (Journal, 1808, p. 72.)

ferences, and also in the unlimited power of the General Conference over the doctrine and polity of the Church, a power that could be exercised by a majority vote of the members present. The four smaller Annual Conferences memorialized the General Conference of 1808 to correct this inequality in membership and to protect the Church against recognized dangers. Bishop Paine, who knew personally and intimately a number of the members of that Conference, says: "Strongly-exciting circumstances might arise, and that good and far-seeing man [Asbury], in common with other wise and devoted friends of the Church, felt exquisitely the importance of introducing the principle of representation into the government, and by restricting the Conferences in their separate capacity from the exercise of a direct power over fundamental questions, to concentrate their authority, under constitutional provisions, in the representative body. . . . It was therefore understood throughout the whole Church, that at this Conference the organization of the Church should be completed by some general measures which would effect a centralization of power in a delegated body having supreme legislative jurisdiction."[13] Speaking of the mind of the General Conference of 1808, a body of which he was a member, and by which he was elected to the Episcopacy, Bishop McKendree says, in his "Essays on Our Church Government": "That Conference being satisfied of the propriety and utility of their system and fully awake to their

[13]Paine, "Life and Times of William McKendree," Vol. I., pp. 183, 184.

situation, resolved to confirm and perpetuate their well-tried plan of government. To this end they constituted *a delegated General Conference*, formed a *constitution*, and so limited and restricted the powers of their representatives as to preserve the system of government inviolate, and secure the rights and privileges of all the members. . . . The General Conference, thus constituted, is invested with 'full powers to make rules and regulations for the Church, under certain limitations and restrictions,' and to enforce those rules by means of the General Superintendents, who are amenable to them for the administration."[14]

Joshua Soule, who drafted the Constitution, said, in 1824: "The General Conference held and exercised unlimited power until 1812, because they met *en masse*, and not by virtue of their election or delegation. This was felt to be a dangerous state of things, and unfair to the more distant portions of the work. And one great, controlling motive in introducing the representative principle was to lessen the danger of sudden and violent changes in the fundamental policy of the Church, by establishing a delegated legislative body under *restrictions*—thus insuring stability to the organic institutions and equality in representation. It matters not by what name these *restrictive rules* may be called [he called it[15] a "constitution"]; the design and effect were to take

[14]Paine, "Life and Times of William McKendree," Vol. II., pp. 361, 362.

[15]From the organization of our Church, indeed from 1808, the opinion of our leading men, perhaps the unanimous opinion, has been that the entire chapter in the Discipline, entitled "Of the General Conference," is included in its constitution; and with this opinion the General Conference and the Annual Conferences have agreed in their practice of submitting as amendments proposed changes in that chapter. With this opinion Bishop S. M. Merrill fully agrees. In his work, "A Digest of Methodist Law," pp. 13, 14, he says: "Strangely enough the question has arisen as to whether the whole of this section ['Of the General Conference'] is properly regarded as 'Constitution.' Some have thought that only that part of it which contains the restrictions on the powers of the General Conference is to be treated as 'Constitution,' and

questions enumerated from under the control of the delegated Conference, except in the way and manner specified." [16]

After the General Conference of 1784, at which the Methodist Episcopal Church in America was organized, there was no similar meeting till 1792. "A few years' experience," says Bishop McKendree, "taught the necessity of revising and perfecting the system of rules. For this purpose a General Conference was called, and met according to appointment, November 1, 1792, and was continued, by adjournments, once in four years, until May, 1808, which was the last General Conference of this description. . . . Sundry alterations and additions were made at those five Conferences; but the principles and constituent parts of the system remained unaltered." [17]

Bishop Tigert says: "The term 'Delegated' is chosen to mark the altered and distinct character of all subsequent [to 1808] General Conferences. This word indicates not only that the members of these later bodies are elected representatives, or delegates, but that the Conference itself exercises delegated powers. It is an agent, not a principal. It is a dependent body, with derivative powers. These powers are defined in a Constitution issuing from the body that ordained the Delegated Conference." [18]

"The General Conference is not an original body, self-existent and independent. It is the creation of another body, larger and stronger than itself. It does not possess original life or power. It has power; but its powers are derived and

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that all outside of the six restrictions are under the power of the body to alter, amend, or repeal at the pleasure of the majority. This view probably originated in the fact that the provision for changes by the 'constitutional process' specifies only the restrictions. But in addition to the historical fact that the whole section was originally ordained to be the Constitution, and was so designated, the simple fact that it is the organic law, and does for the General Conference what the constitution of an organized body always does, is sufficient to compel the acknowledgment that the whole section which gives to the General Conference its name, its membership, its quorum, its presidency, its time of meeting, its scope of duties, its powers and its limitations, and its process of amendment, is of the form and force of a constitution, whether specifically designated by that name or not."

[16] Paine, "Life and Times of Willian McKendree," Vol. II., page 38.

[17] Paine, *op. cit.*, pp. 360, 361.

[18] "Constitutional History of American Episcopal Methodism," p. 323.

dependent. Again: it is representative; represents a power behind and outside of itself; existing before and independent of itself. The General Conference has a Constitution; but it did not make its Constitution. It was made for it by another body, and before it had a being. Its own being and power reside in, and are derived from, the Constitution that another gave it, and that gives it organic life and power. The terms and tenor of the restrictions upon its power show its responsibility, and prove that the right of determining the constitutionality of its acts was reserved, and remains in the hands of the original body of elders."[19]

2. Prior to 1866 the General Conference had been composed entirely of traveling preachers. That session, by a vote of 95 to 50, initiated measures to admit lay delegates equal in number to the ministerial delegates. Bishop McTyeire, a member of that General Conference, and later in its session elected to the Episcopacy, offered the resolution to effect this change. The measures were developed to include lay representation also in the Annual Conferences, and the whole plan was ultimately adopted by a vote of 97 to 41.[20] Because the report of the committee to which the plan was referred involved constitutional changes, the General Conference, having adopted the plan by the requisite two-thirds majority, submitted it for concurrence to the Annual Conferences. At the succeeding sessions of those Conferences the requisite three-fourths of the members present and voting (ayes 1,199, nays 371[21]) concurred.

3. The Bishops are the presiding officers of the

[19]Journal, 1870, p. 284. See also Journal, 1844, p. 195.

[20]Journal, 1866, pp. 62, 63, 108-110.

[21]Official Announcement, *Christian Advocate*, Nashville, Tenn., Thursday, April 25, 1867, p. 2, column 5. Signed "H. N. McTyeire, Secretary."

General Conference, and by agreement among themselves choose the president for the day. It is customary for the Senior Bishop to preside on the first day; the other Bishops take the chair from day to day in the order of their election. The one in the chair is the legal president. Should no Bishop be present, the General Conference chooses a president *pro tem.* The General Conference has declared that it is the duty of the President to examine and correct the Journal.[22] The President decides all questions of order arising in the course of the proceedings, subject to an appeal by any member.[23] Constitutional questions cannot be decided by the President, but only by the College of Bishops; and except when the General Conference requests the opinion of the College on a legal or constitutional question,[24] only after action by the Conference. Should the General Conference adopt a rule or regulation which in the opinion of the Bishops is unconstitutional, it is the duty of the Bishops to present to the Conference their objections thereto, with their reasons, in writing.

4. Reserve delegates must meet the same qualifications as their principals. The right of a reserve

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[22]May 12, 1812—Bishop McKendree in the Chair. The Journal of the General Conference reads: "The President asked if the conference thought he had authority to give the secretary orders to change some phrases in journalizing, provided there are no changes of the sense. It was said that the rules of the Conference made it his duty to examine and correct the Journal. Voted that this may be done." (Journal, 1812, p. 108.)

[23]Prior to the General Conference of 1914 the Rules required two members to take an appeal from the chair; and this is the usual parliamentary practice. In 1914 the Rules state: "subject . . . to an appeal to the Conference by any member without a second." (Journal, 1914, p. 111, Rule 9.) The General Conference of 1922 continued this Rule. (Journal, 1922, p. 53, Rule 9.)

[24]Journal, 1866, pp. 100, 106, 130; Journal, 1870, p. 319; Journal, 1836, p. 496.

delegate to take the place and exercise all the functions of an absent principal has not been questioned since 1812.

Reserve delegates appeared in 1812 at the first delegated General Conference, and after debate by the Conference it was voted that they were "entitled to their seats." [25]

An Annual Conference elected one delegate less than the law entitled it to elect. The General Conference of 1866 recognized as a delegate a reserve elected by that Annual Conference.[26]

5. The General Conference directed an Annual Conference to divide its territory into two Conferences, and made it "the duty of the Conference at its next session to choose the line of division." The legality of this action of the General Conference was questioned during the next session of the Annual Conference concerned. The presiding bishop decided and the College of Bishops concurred that the determination of the unconstitutionality of an act of the General Conference has been committed, not to the single bishop who is presiding either in the General or in the Annual Conference, but only to the College of Bishops; and that body presents, not to an Annual Conference, not even to any General Conference, but only to *the* General Conference which passed the rule or regulation, its written objections to the action of the General Conference, in which written objections the reasons for the objections are to be set forth. (College of Bishops, 1915.)

6. The "four calendar years" a preacher must have traveled before he can be elected a delegate

[25]Journal, 1812, pp. 98, 99. [26]Journal, 1866, p. 30.

to the General Conference should be counted from the time of his reception on trial. (College of Bishops, 1914.)

7. The majority of "two-thirds of the General Conference," required by the constitutional proviso for recommending the alteration of a restrictive rule, is not two-thirds of all the members elected to the General Conference, but two-thirds of a *legal quorum* or more, who may be present and voting on any question.

The *legal quorum* was fixed in 1808, at "two-thirds of the representatives of all the Annual Conferences." In 1866, on the introduction of lay representation, it was judged proper, for obvious reasons, to change the quorum from "two-thirds" to "a majority"; and this alteration was submitted in the same report with the plan of lay representation, to the Annual Conferences, and received a three-fourths vote, after having been recommended by a two-thirds vote of the General Conference. (Journal, p. 109.)

The Bishops having been requested by the General Conference sitting in New Orleans, 1866, to give an official opinion as to what constitutes "two-thirds"—as demanded in the proviso to the Restrictive Rules—on May 2, through Bishop Paine, gave the following opinion:

"Two-thirds of the General Conference are two-thirds of a legal quorum, or more, of the members who may be present and voting on any question." (Journal, p. 106.)

8. The constitution says: "Upon a call of one-fifth of the members of the [General] Conference, the lay and clerical members shall vote separately, and no measure shall be passed without the concurrence of a majority of both classes of representatives." The "majority" is the legal majority—a simple majority of each class on ordinary ques-

tions, and of two-thirds of each class on constitutional questions.

9. A vote by lay and clerical members cannot be demanded on seating members, nor in the organization of the General Conference by the election of officers, nor in any election, but only touching legislative acts. (College of Bishops, 1882.)

10. The General Conference "not only makes 'rules and regulations,' but administers discipline, first on the Bishops, and secondly on the annual conferences."[27]

The settlement of the extent and manner in which this discipline may be exercised, formed an epoch in American Methodism; and not only helped, with its connected questions, to divide the Methodist Episcopal Church into two independent bodies, but constitutes, in part, the *differentia* of their constructions of the constitutional powers of the General Conference. An adjudicated case in 1844 gave occasion for general deliverances on fundamental questions, upon which the Methodist Episcopal Church, South, is united and organized. Bishops Coke and Asbury, in their Notes on the Discipline,[28] had said, "They [our Bishops] are perfectly subject to the general conference"; "their power, their usefulness, themselves, are entirely at the mercy of the general conference." Dr. [afterwards Bishop] Emory had quoted from a pamphlet of Mr. Dickins—one of the fathers—affirming that Bishop Asbury "derived his official power from the Conference, and therefore his office is at their disposal"; "he is liable every year to be removed."[29] These words written in 1797, concerning a General Conference that was original and unrestricted, were applied to a *dele-*

[27]Hedding, "Discourse on the Administration of Discipline," edition of 1850, pp. 7, 8, 10-13, 25-27.

[28]Discipline, 1798, pp. 42-44.

[29]Emory, "Defence of Our Fathers," Third Edition, p. 65. But for the law from 1788 to 1844 and beyond see quotations from the Discipline and the "Notes" of Bishops Coke and Asbury given on pages 163-171.

gated General Conference in 1844 by a Northern majority; and action was taken accordingly against Bishop Andrew, in his virtual deposition, by simple preamble and resolution, without form of trial. Bishops were the "officers of the General Conference"[30]—the "creatures"[31] of it—and might be removed at will by a majority vote, without process. Against these proceedings and constructions the Southern minority entered a formal protest:

"We *protest* against the act because we recognize in this General Conference no right, power, or authority, ministerial, judicial, or administrative, to suspend or depose a Bishop of the Methodist Episcopal Church, or otherwise subject him to any official disability whatever, without the formal presentation of a charge or charges, alleging that the Bishop to be dealt with has been guilty of the violation of some law, or at least some disciplinary obligation of the Church, and also upon conviction of such charge after due form of trial."[32]

"As the Methodist Episcopal Church is now organized, and according to its organization since 1784, the episcopacy is a coördinate branch, the executive department proper of the government. A Bishop of the Methodist Episcopal Church is not a mere creature—is in no prominent sense an officer of the General Conference."[33]

"The Bishops are beyond a doubt an integral constituent part of the General Conference, made such by law and the constitution; and because elected by the General Conference, it does not follow that they are subject to the will of that body, except in conformity with legal right and the provisions of law, in the premises. In this sense, and so viewed, they are subject to the General Conference. . . . As *executive officers* as well as *pastoral overseers*, the Bishops belong to the Church as such, and not to the General Conference, as one

[30]Debates in the General Conference of 1844, pp. 82-84, 123, 129, 133, 147, 168, 180, 181, 235, *passim*.

[31]*Op. cit.*, pp. 127, 209; "History of the Organization of the Methodist Episcopal Church, South," etc., p. 19.

[32]"History of the Organization of the Methodist Episcopal Church, South," etc., p. 73; Journal, 1844, p. 186.

[33]"History of the Organization of the Methodist Episcopal Church, South," etc., p. 82; Journal, 1844, p. 194.

of its counsels or organs of action merely. The General Conference is in no sense the Church, not even representatively. It is merely the representative organ of the Church, with limited powers to do [its] business in the discharge of a delegated trust. Because Bishops are in part constituted by the General Conference, the power of removal does not follow. Episcopacy, even in the Methodist Episcopal Church, is not a mere appointment to labor. It is an official consecrated station, under the protection of law, and can only be dangerous as the law is bad, or the Church corrupt. The power to appoint does not necessarily involve the power to remove; and when the appointing power is derivative, as in the case of the General Conference, the power of removal does not accrue at all, unless by consent of the coördinate branches of the government, expressed by law, made and provided in the case. When the Legislature of a State, to appeal to analogy for illustration, appoints a Judge, or Senator in Congress, does the Judge or Senator thereby become the officer or creature of the Legislature, or is he the officer or senatorial representative of the State, of which the Legislature is the mere organ? And does the power of removal follow that of appointment? The answer is negative in both cases, and applies equally to the Bishops of the Methodist Episcopal Church, who, instead of being the officers and creatures of the General Conference, are *de facto* the officers and servants of the Church, chosen by the General Conference, as its organ of action, and no right of removal accrues, except as they fail to accomplish the *aims* of the Church in their appointment, and then only in accordance with the provisions of law."[34]

11. A law enacted by the General Conference, in the usual phrase, does not become operative from the time of its passage, but from the adjournment of the General Conference. (College of Bishops, 1879.)

[34] "History of the Organization of the Methodist Episcopal Church, South," etc., pp. 82-84. The Protest can be found also in the Journal of the Methodist Episcopal Church for 1844, and these quotations occur severally on pp. 186, 187, 194, 195.

SECTION II.

THE ANNUAL CONFERENCES.

1. An Annual Conference is composed of all the traveling preachers who are in full connection, and of eight lay representatives (one of whom may be a local preacher) from each Presiding Elder's District. The lay members must be chosen annually by the District Conferences, and no person can be a lay member of an Annual Conference who is not twenty-five years of age, and who has not been for six years next preceding his election a member of our Church. The qualifications of a local preacher for membership in an Annual Conference are the same as those required in the case of other lay delegates. Women can be members of any Conference.

See paragraph 2, Section I., of this chapter. It was considered that the delegated General Conference had no power to change its composition (formerly exclusively ministerial) or its constituency, except in a *constitutional* manner; and therefore the introduction of lay representation into the Annual, as well as into the General, Conference was subjected to the same test—the concurring vote of the whole body of the traveling ministry.

On precisely the same ground the eligibility of women to membership in the several Conferences, Boards, and lay offices of the Church was submitted to the vote of the Annual Conferences, and adopted by the constitutional majority.[1]

2. When the General Conference changes the boundaries of Annual Conferences, the traveling preachers concerned become members of that An-

[1]Journal, 1918, pp. 139, 140, 143-150, 186, 268. The vote in the Annual Conferences on "laity rights" was 4,747, of which number 4,280 voted in favor of the constitutional change, and 467 against it.

nual Conference in which their pastoral charges fall. (College of Bishops, 1883.)

The General Conference having made it the duty of an Annual Conference to divide, it is competent for the Conference to order that no line of division shall be fixed except upon a separate and distinct vote on that line itself; that the division of the Conference does not take place till some proposed line of division shall secure a majority of the votes cast; and that should no proposed line of division secure a majority of the votes cast, the whole question must be referred to the next General Conference. (College of Bishops, 1915.)

3. The membership of the traveling preacher is in the Annual Conference to which he belongs, and not in the pastoral charge to which he is appointed. (College of Bishops, 1883.)

4. In an Annual Conference the lay members may participate in all the business of the Conference, except such as involves ministerial character.

This exception, at first, included ministerial "relations" also, and was decided to apply to such business as involves admission on trial and into full connection, readmission, election to deacon's and elder's orders, location, the supernumerary and superannuate relations. But the General Conference of 1870[2] reduced the exception to "ministerial character" alone, which exception covers such business as relates to the passage of character, and, of course, the trial of traveling ministers.[3]

5. A local preacher may take his seat in an Annual Conference as alternate or reserve, instead of a layman, or *vice versa*, in the representation of a District; provided, that not more than one local preacher be admitted from any District.

6. The right to vote includes the right to speak,

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[2]Journal, 1870, pp. 207, 340. [3]Journal, 1894, pp. 235-237.

and lay members can vote on the question, "What traveling preachers are elected elders?" (College of Bishops, 1902.)

7. Not being a delegated or strictly representative body, an Annual Conference has no quorum. Any number of its members who may meet at the time and place officially appointed may proceed to organize and to transact business.

8. The General Superintendents are constituted, by virtue of their office, Presidents of the Annual Conferences, with authority to appoint the time of holding them. By an arrangement among themselves, it is determined over which Conferences each shall preside. The Bishop to whom the oversight of a Conference is thus assigned is its legal President for the year beginning with the date of his appointment. By his rulings on questions of law, its proceedings are governed, and his signature is necessary to perfect its records.[4] From his

[4]General Conferences have passed the following resolutions: "The president [Bishop McKendree] asked if the conference thought he had authority to give the secretary orders to change some phrases in journalizing, provided there are no changes of the sense. It was said that the rules of conference made it his duty to examine and correct the Journal. Voted that this may be done" (Journal, 1812, p. 108); "All the business transacted by an Annual Conference ought to be fully and clearly stated on the journals of such Conference; and that the Bishops have it in charge to see that this be done in all the Annual Conferences" (Journal, 1840, pp. 107, 108); "That the Bishops be, and they are hereby, instructed to see that the Secretaries of the several Annual Conferences enter upon their respective Journals, as fully as may be, answers to each of the questions contained in the question [What is the method of proceeding in an Annual Conference?] of the Discipline; and that they record all such other matters of business as come under the cognizance of Conference, or constitute the regular proceedings of the session" (Journal, 1854, p. 350); "That the Bishops be, and they hereby are, instructed to supervise the Conference Journals, to direct the Secretaries to the requirements of the General Conference, as to the manner of keeping their Journals; to supply the Secretaries with copies of their decisions on all questions of law submitted to them in an Annual Conference; and to affix their signatures, in all cases, to the Minutes of the Conferences over which they preside" (Journal, 1866, pp.

decisions on questions of law there is no appeal to

95, 96). "*Resolved*, That the attention of the Bishops be respectfully called to the action of preceding General Conferences, requiring them to supervise the Conference Journals, and to endeavor to procure accuracy and uniformity in the Journals throughout the Connection" (Journal, 1870, p. 269); "At the General Conference of 1866, an order was made requiring 'Secretaries of the several Annual Conferences to record *all the acts* of the Conference, of *every kind whatever*, in the consecutive order of their occurrence, or in an appendix,' including 'complaints, charges, specifications—with the decisions in all cases—all resolutions, reports of committees, statistics, memoirs, appointments of preachers, and whatever else enters into and constitutes a complete historical record of an Annual Conference.' It was further ordered by the General Conference of 1866 that the *Bishops* should 'supervise the Conference Journals' and 'direct the Secretaries to the requirements of the General Conference as to the manner of keeping their Journals,' and that they should 'affix their signatures in all cases to tne Minutes of the Conferences over which they preside.' The General Conference of 1870 further provided, by resolution, that the Secretaries 'be requested to keep up a *running heading* from page to page of the Journals, stating the date of the Conference session,' and that the *Bishops* 'be respectfully requested to see that the regular questions are recorded by the Secretaries in their numerical notation, and answered; and that they give particular direction as to the recording of the memoirs of the deceased preachers, *and the reports of committees*.' . . . *Resolved*, 5. That the Bishops be, and they are hereby, earnestly requested to direct the attention of the Secretaries to these and to all other resolutions adopted by the General Conference respecting their duties in keeping the Journal" (Journal, 1874, pp. 483, 500); "The Committee on Itinerancy have given much time and care to the examination of the Journals of the several Annual Conferences. The Conference-sessions held since the General Conference of 1874 have thus passed under review, both as to matters of administration and faithfulness of record. Too much consideration has not been given, in view of the stringent order of the General Conference of 1866—that 'Secretaries of the several Annual Conferences record all the acts of the Conference of every kind whatever in the consecutive order of their occurrence in an appendix;' also the request that the Bishops should supervise the Conference Journals, and direct the Secretary to the requirements of the General Conference as to the manner of keeping their Journals. This request to the Bishops was repeated at the session of the General Conference of 1870, and also at that of 1874, with special directions as to the order to be observed for keeping a full and minute record of every act, report, and resolution of an Annual Conference. . . . *Resolved*, 3. That the Bishops be, and they hereby are, instructed to supervise the Conference Journals; to direct the Secretaries to the requirements of the General Conference as to the manner of keeping their Journals; to supply the Secretaries with copies of their decisions on all questions of law submitted to them in an Annual Conference; and to affix their signatures, in all cases, to the minutes of the Conferences over which they preside. . . . *Resolved*, 10. That the Bishops be, and are hereby, earnestly requested to call attention of the Secretaries, when reading the minutes of the daily sessions for approval of the Conference, to any omissions of names, ques-

the Annual Conference itself; but the Conference by a majority vote may appeal from such decision to the College of Bishops, whose decision in such case shall be final.[5] By him the appointments[6] are made and regulated through the year. Though other Bishops may assist in the duties of the chair, one alone is President for the time being.[7]

"There is a marked difference in the relations the President sustains to these two bodies [the General Conference

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tions, or facts, or to the insertion of any thing upon the record in violation of the requirements of the Discipline, or in conflict with any resolutions adopted by the General Conference respecting the duties of Secretaries in keeping the Journal of an Annual Conference" (Journal, 1878, pp. 212, 233, 234); "4. The Bishops are hereby instructed to supervise the Conference Journals; to direct the Secretaries to the requirements of the General Conference as to the manner of keeping their Journals; to supply the Secretaries with copies of their decisions on all questions of law submitted to them in an Annual Conference; and to affix their signatures in all cases to the Minutes of the Conferences over which they preside. . . . 12. The Bishops are directed to require Secretaries of Annual Conferences to read these rules in their several Conferences immediately after the organization thereof. . . . 14. The Bishops are hereby requested to call attention of the Secretaries, when reading the Minutes of daily sessions for approval of the Conference, to any omissions of names, questions, or facts, or to the insertion of any thing in the record in violation of the requirements of the Discipline, or in conflict with any resolutions, adopted by the General Conference, respecting the duties of Secretaries in keeping the Journal of an Annual Conference" (Journal, 1882, pp. 140, 141, 142). The General Conference of 1800, on motion of Bishop Asbury, directed "that a general book of records be kept of the proceedings of the annual conferences by a secretary, and a copy of the said record be sent to the General Conference" (Journal, 1800, p. 43). So far as our official records yield to a careful search, this is the beginning among us of Annual Conference secretaries, as the General Conference of 1800 was the first to record a Secretary and Rules of Order.

[5]The right of appeal from the decision of a bishop belongs only to the Conference over which he is at the time presiding, and cannot be claimed or exercised by any individual member thereof. (College of Bishops, 1891.)

[6]A member of an Annual Conference, appointed by the Bishop from year to year as a teacher, is a "traveling preacher" in the meaning of the Discipline. (College of Bishops, 1885.)

[7]"Who shall preside in the Annual Conferences?" "*Ans.* The Bishops. In the absence of a Bishop, the Conference shall elect the President by ballot, without debate, from among the traveling elders. The President thus elected shall discharge all the duties of a Bishop except ordination." (Discipline.)

and to an Annual Conference. The former], being the highest judicatory of the Church, is not subject to the official direction and control of the President any further than the *order* of business and the preservation of decorum are concerned; and even this is subject to *rules* originating in the body. The *right* to transact business, with respect to matter, mode, and order of time, is vested in the [General Conference], and limited only by constitutional provisions; and of these provisions, so far as their official acts are concerned, the conference, and not the President, must be the judge. But in the Annual Conferences the case is widely different. These are subordinate organizations, with their powers clearly defined and limited in the form of Discipline. Their rights and privileges are strictly chartered, and out of the record they have no jurisdiction. To these bodies the President sustains, as an executive officer, a peculiar and important relation. He presides not merely to preserve order and decorum, but with an official oversight, to guard against innovations, and to bring forward the business as prescribed by the Discipline, and see that it is done according to the laws of the Church." (Episcopal Address, 1844, Journal General Conference, p. 155.)

9. A Bishop presiding in an Annual Conference has no right to vote, not even on a tie.[8] But if in his absence a President has been elected from among the traveling elders, he does not lose thereby his rights as a member of that Conference. He may vote on a ballot, or on the call for yeas and nays, or give the casting vote.

10. "The government of the Methodist Episcopal Church is peculiarly constructed. It is widely different from our civil organization. The General Conference is the only legislative body recognized in our ecclesiastical system, and from it originates

[8]Hedding, "Discourse on the Administration of Discipline," edition of 1850, p. 10; Baker, "A Guide-Book in the Administration of the Discipline," p. 41.

the authority of the entire executive administration. The exclusive power to create Annual Conferences, and to increase or diminish their number [and boundaries] rests with this body. No Annual Conference has authority or right to make any rule of discipline for the Church, either within its own bounds or elsewhere. No one has the power to elect its own President, except in a special case, pointed out, and provided for, by the General Conference. Whatever may be the number of the Annual Conferences, they are all organized on the same plan, are all governed by the same laws, and all have identically the same *rights*, and *powers*, and *privileges*. These powers, and rights, and privileges are not derived from themselves, but from the body which originated them." (Episcopal Address, 1840, Journal, p. 139.)

11. "The President of an Annual or Quarterly Meeting Conference has the right to decline putting the question on a motion, resolution, or report, when, in his judgment, such motion, resolution, or report does not relate to the proper business of a Conference; provided, that in all such cases the President, on being required by the Conference to do so, shall have inserted in the journals of the Conference his refusal to put the question on such motion, resolution, or report, with his reason for so refusing; and provided, that when an Annual Conference shall differ from the President on a question of law, they shall have a right to record their dissent on the journals, provided there shall be no discussion on the subject."[9]

[9]Journal, 1840, p. 121.

12. "The President of an Annual or Quarterly Meeting Conference has the right to adjourn the Conference over which he presides when, in his judgment, all the business prescribed by the Discipline to such Conference shall have been transacted; provided, that if an exception be taken by the Conference to his so adjourning it, the exception shall be entered upon the journals of such Conference."[10] The provision in the Discipline which declares the Bishops "shall allow every Annual Conference to sit a week at least" does not imply that a Bishop may allow an Annual Conference to do other business after all the business prescribed by the Discipline has been transacted. That rule is designed to restrain undue haste in the proceedings of Annual Conferences, but not to open the door for the introduction of extraneous matter foreign to the disciplinary work of the body.

Certain developments in portions of the Connection, in the years 1836-1840, involving the constitutional powers and rights of Annual and Quarterly Conferences, threatened the unity and peace of the Church, and made a clearer definition necessary.[11] Those who desired to use these ecclesiastical bodies for purposes of agitation and social reform, claimed a large latitude of action for them and in them. It was claimed that all questions of law, arising out of the business of our Annual or Quarterly Conferences, are to be, of right, settled by the decision of those bodies, either primarily by resolution, or finally by appeal from the decision of the President; that it is the prerogative of an Annual Conference to decide what business they will do, and when they will do it; that they have a constitutional

[10]Journal, 1840, p. 121.

[11]For the origin and history of this matter, with discussions by Bishops Waugh and Hedding, see Elliott, "History of the Great Secession from the Methodist Episcopal Church in the year 1845," pp. 719-762.

right to discuss, in their official capacity, all moral subjects; to investigate the official acts of other Annual Conferences and of the General Conference, so far as to pass resolutions of disapprobation or approval of those acts; that it is the duty of the President to put all motions and resolutions to vote, when called for according to the rules of the body; that although it belongs to him to appoint the time of holding the Conferences, he has no discretionary authority to adjourn them, whatever length of time they may have continued their session, or whatever business they may think proper to transact.

The issue was made before the General Conference of 1840, in the following form of questions, presented in the Episcopal Address, with request for an authoritative construction:

"When any business comes up for action in our Annual or Quarterly Conferences, involving a difficulty on a question of law, so as to produce the inquiry, *What is the law in the case?* does the constitutional power to decide the question belong to the President or to the Conference? Have the Annual Conferences a constitutional right to do any other business than what is specifically or by fair construction provided for in the Discipline? Has the President of an Annual Conference, by virtue of his office, a right to decline putting a motion or resolution to vote, on business other than that prescribed or provided for? These questions are proposed with exclusive reference to the principle of constitutional right. The principles of courtesy and expediency are very different things."

On May 6, the matter was referred to the Committee on Itinerancy (Dr. Winans, Chairman), and June 3, the Committee's report, as above [given on pages 21 and 22 of this Manual], was adopted.

The General Conference further definitely declared, and inserted it in the Discipline, that the Presidents of Annual and Quarterly Conferences should decide all questions of law coming up in the regular business of those bodies, subject to certain conditions of application and appeal. The clause concerning law questions in Annual Conferences was adopted by yeas 98, nays 5. That concerning Quarterly Conferences,

"by a decided majority." (Journal General Conference, 1840, pp. 24, 120, 121, 138.)

13. When a legal decision has been duly rendered, the application[12] of it to the facts and the case in hand is with the Conference. But the Conference may not reverse the decision, under color of applying the law.[13] If dissatisfied, the Conference may take an appeal from the decision, but it must govern the case pending.

14. "When a member of an Annual Conference, in good standing, shall demand a located relation, the Conference shall be obliged to grant it to him."[14]

15. The Conference year commences when the appointments are announced in the Annual Conference, and continues until the announcing of the appointments at the next ensuing Conference.[15]

16. "A preacher who has been located, either with or without his consent, may, at any session, be readmitted to his former position and standing, at the option of a majority of the Conference,"[16]

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[12]Dr. Bangs, a member of this General Conference, explains: "These words, *application of the law*, appeared involved in obscurity to some. The meaning is, I apprehend, that the conference, after the law has been explained, is to judge of its *applicability* to the particular case under consideration. Suppose a man is accused of an act of immorality; the president of a conference explains the law, its nature and penalty in reference to the particular act of immorality of which the person is accused; the members of the conference then, as the judges or jurors in the case, examine into the facts, hear witnesses, decide upon the guilt or innocence of the accused; and then *apply* the law to that particular case and, if found guilty, bring in a verdict accordingly, while the presiding judge passes the sentence of condemnation. Here the law is *applied to or brought to bear* on that particular person according to its legitimate intent and meaning, the presiding officer being responsible for the interpretation, and the conference for the application of the law to the case in hand." (Bangs, "History of the M. E. Church," Vol. IV., p. 395.)

[13]Baker, "A Guide-Book in the Administration of the Discipline," p. 43.

[14]Journal, 1840, p. 107. This is the only relation in the Church which can be changed solely by the will of the person concerned.

[15]Waugh; quoted by Baker, p. 45. [16]Baker, p. 48.

upon presenting the usual recommendation from the District Conference. In the case of a preacher who has been located in his absence, without his written request and without previous notification to him of an intention thus to proceed against him, no recommendation from the District Conference is required to secure a reconsideration of his case at the next session of the Annual Conference after the session at which he was located.

17. Only a traveling preacher afflicted in his own person can be granted the supernumerary relation. The Conference may not vote him such a relation because his family is afflicted, or other circumstances embarrass him for the itinerancy.[17]

"The removal of a preacher from one Conference to another is frequently as necessary for the general good as any other act of the appointing power. It has been further thought, if a preacher wishes to remove from one Conference to another for his own *accommodation*, he has a right to demand it; and that he is 'oppressed' if the supposed right is not acknowledged; and that he has, as he styles it, only to 'take a transfer'; or without asking for that instrument, to take his family and go into whatever conference he pleases, without consulting any one, expecting his transfer afterwards, as a thing of course. But who does not see that, if such opinions and proceedings be tolerated, general confusion must follow?" (Hedding, p. 84.)

A memorial from the New England Conference was addressed to the General Conference of 1840, praying that the following clause be added to the Discipline: "A Bishop shall have no authority to transfer a member of one Conference to another Conference in opposition to the wishes of said member, or in opposition to the wishes of a majority of the members of the Conference to which it is proposed to transfer such member. The committee to whom this memorial

[17]College of Bishops, 1858.

was referred reported by recommending that "the prayer of the memorialists be not granted," and the report was adopted. (Journal, p. 56.)

18. "Every transfer of a traveling preacher is conditioned upon the passage of his character by the Conference from which he is transferred and to which he is amenable up to the time of its occurrence." (College of Bishops, 1885.)

19. The official announcement that a preacher is transferred from one Conference to another changes his membership so that his rights and responsibilities in the Conference to which he goes begin from the date of his transfer by the Bishop making it. (College of Bishops, 1905.)

But he cannot be counted twice in the same ecclesiastical year, as the basis of General Conference representation, nor vote for General Conference delegates where he is not so counted; neither can he vote twice on the same constitutional question.[18]

20. The General Conference of 1850 made the following deliverance: "That we greatly deplore the evil complained of in reference to transfers from one Conference to another, both on account of the spirit which it involves, and its opposition to a fundamental law of Methodism; for, while it has been the general usage to station the preachers within the bounds of the Conference of which they are members, still it is the genius of our system, and the law of our Church, that the Bishops, as General Superintendents of the Church, make such disposition of the itinerant preachers as in their judgment will best serve the whole Church."[19]

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[18]Baker, pp. 50, 51. [19]Journal, 1850, p. 173.

The use to which transferring may be put, in an extraordinary case, is given by Bishop Hedding: "The unity and prosperity of the body will depend, under God, in a great degree, on the watchful oversight the General Conference shall exercise over the annual conferences. But should an annual conference do wrong, what power has the General Conference to punish? Administer censure, reproof, and exhortation, as the case may require. But should the majority of an annual conference become heretical, or countenance immorality, what can the General Conference do? Other remedies may answer some cases, yet I know of only *one* that can be constitutionally administered in all cases. That is, let the General Conference command the bishops to remove the corrupted majority of an annual conference to other parts of the work, and scatter them among other annual conferences, where they can be governed, and supply their places with better men from other conferences. But such men would not go at the appointment of the bishop. Perhaps they would not personally; but their names, and their membership would go where they could be dealt with as their sins should deserve. It is true the bishops have authority to do this, and in some cases it might be their duty to do it, without the command of the General Conference; yet, in ordinary cases, they would be likely to hesitate until the General Conference should command them.[20]

21. The General Conference of 1882 enacted the following law:

It is directed that in all elections of delegates to the General Conference there shall be made a full record of the aggregate number of clerical and lay members, as well as the number of delegates to which the Conference is entitled, the number of ballots cast, the number requisite for election, the number of votes given for each respectively, the declaration of election before the Conference by the President of the Conference, with any other facts accompanying, as, for example, whether the election, in accordance with the Dis-

[20]Hedding, pp. 25, 26.

cipline, was by the same body, "in Conference assembled," under the President of the Conference, or in rooms apart of clerical and lay votes respectively, in violation of the Discipline.[21]

22. A local preacher serving as a supply in one Annual Conference was recommended for admission on trial into another Annual Conference. He declined to be examined on the Course of Study, alleging that he had been announced as a transfer to the Annual Conference, and hence was already in connection with it.

The bishop decided: A preacher employed as a supply, but not otherwise connected with an Annual Conference, cannot become a probationer or a member of an Annual Conference by transfer, and can only be admitted in the manner prescribed in the Discipline. (College of Bishops, 1911.)

23. The law of limitation applies to local preachers who may be employed in pastoral work, as well as to effective traveling preachers. Except on the condition that a majority of the Presiding Elders shall by ballot concur the Bishop may not appoint a preacher to a pastoral charge for more than four consecutive years; but an unexpired term of less than six months shall not be counted.[22] With this exception none may remain in the same circuit or station more than four years successively, except certain persons employed by Annual Conference Boards of Missions "to conduct missionary work under the direction of the Board subject to the approval of the Annual Conference and the appoint-

[21]Journal, 1882, p. 141.

[22]The request of an Annual Conference that a Bishop shall make a specific appointment is not mandatory. (College of Bishops, 1920.)

ment of the Bishop.[23] The limitation, as to time, applies to the Presiding Elder in supplying the work, as well as to the Bishop.

24. "It is a violation of a rule of discipline for a bishop to continue a preacher in a station or circuit beyond the allowed time,[24] notwithstanding the station or circuit may be divided into two or more stations or circuits."[25] A new pastoral charge is not constituted by the removal of a church from one location to another in a town or city, and the change of its name; and a preacher may not be continued in charge of such a church longer than the allowed time.[26]

25. "In all cases where agents are appointed"—being members of an Annual Conference—"their names shall be attached to some district, and in case of complaint, they shall be held responsible to the presiding elder" thereof. It is not necessary that they should be attached to any Quarterly Conference.[27]

26. "No recommendation from a Quarterly or District Conference to an Annual Conference is of any force after the session of the Annual Conference next following the grant of such recommendation."[28]

27. If the recommendation of a District Conference for orders in the local connection shall

[23]Discipline, 1922, ¶495.

[24]In 1836 the allowed time was two years.

[25]Journal, 1836, p. 473.

[26]"It is inconsistent with the genius of Methodism to continue a preacher for many years in succession in the same part of the work, and, therefore, the bishops are advised not to continue any preacher for many years in succession in the same city, town, or district." (Journal, 1836, p. 473.)

[27]Journal, 1832, p. 422.

[28]Journal, 1840, p. 107.

come for the first time before an Annual Conference, within a year from the date of its passage it may be considered, even though the District Conference granting it be not included within the boundaries of that Annual Conference. (College of Bishops, 1901.)

This decision, though it does not refer to it, is in exact accord with the action of the General Conference of 1854: "L. M. Lee, Chairman of the Committee on Itinerancy, presented Report No. 1 of that Committee, having reference to the Journal of the Florida Conference, which records the admission of a preacher on trial, who had been recommended by a quarterly conference in the Louisiana Conference, and pronounced such a course contrary to Discipline.

"A motion to adopt the report called forth considerable discussion, in which Bishops Soule, Andrew, and Paine participated. The Bishops stated that the usage of the Church sustained the action of the Florida Conference.

"The discussion was prolonged, on a motion of J. Hamilton to amend, by striking out all reference to the Florida Conference—which motions, together with the report,

"On motion of H. A. C. Walker, were laid on the table."[29]

Our Church is a connectional Church. The action of any Conference or other Church body, when within the powers of that Conference or body, is valid throughout the connection.

28. If a preacher has "withdrawn," he cannot become a member of an Annual Conference again without the usual probation, or the process in the case of the "reception of ministers from other Churches"; though he has returned to the Church and his credentials have been restored.[30]

[29]Journal, 1854, p. 287.

[30]Baker, p. 48. "A traveling preacher who withdraws from the ministry and membership of our Church, and afterwards reunites with the Church, may not be recommended for readmission into an Annual Conference, but must be relicensed and begin his ministry *de novo*." (College of Bishops, 1893.) "A traveling preacher withdrew from the ministry and membership of the Church,

29. An appeal was taken by a Quarterly Conference from the ruling of the Presiding Elder, who decided that it is not in order to recommend for readmission into an Annual Conference one restored to membership in the Church and licensed to preach, who was once a member of the Conference, but withdrew from the ministry and membership of the Methodist Episcopal Church, South. The Bishop sustained the decision of the Presiding Elder, and the College of Bishops approved. (College of Bishops, 1893.)

30. The request of a Conference that a preacher be appointed to a seminary of learning, or other work to which the Discipline permits the appointment of an itinerant preacher,[31] does not put that appointment on a different ground from other appointments, and therefore does not render a compliance with the request obligatory upon the Bishop.[32]

31. A preacher just admitted on trial may at that session be appointed a student in one of our schools. (College of Bishops, 1907.)

32. Every member of an Annual Conference, unless he be superannuated or under arrest of character, and every preacher on trial, must receive an appointment to some station recognized by our economy. Leaving effective traveling preachers "without appointment at their own re-

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and surrendered his credentials. He was again admitted on trial, and subsequently the Annual Conference was requested to restore his credentials. The bishop decided, and the College approved, that his credentials could be restored by the Annual Conference, provided the requirements set forth in the chapter of the Discipline entitled, 'The Deprivation and Restoration of Credentials,' were met." (College of Bishops, 1911.)

[31]See p. 19, footnote 6; also p. 28, footnote 22. [32]Journal, 1840, pp. 114, 165,

quest" is "a mode of disposing of them for which there is no law, and is in conflict with the declared judgments of the General Conference."[33]

33. The location of a traveling preacher is to be dated, not from the time the vote of location is passed, but "from the final adjournment of the Conference session."[34]

34. It is admissible for the presiding elders, acting as a Committee of Nominations, to make nominations to fill vacancies in the quadrennial boards, except in the case of boards touching which the Discipline makes other provision. (College of Bishops, 1906.)

35. The forms supplied by the Publishing House in conformity with the action of the General Conference must by used by every Annual Conference, but any Conference may employ such additional forms as it needs. (College of Bishops, 1887.)

36. The gain or loss of membership on the blank for report to an Annual Conference is to be determined by the records of the charge, and not by the statements or corrections of the last pastor. (College of Bishops, 1889.)

37. It is proper to keep a roll of the infants who are baptized, but they are not to be counted in reporting the number of Church members. (College of Bishops, 1913.)

38. An Annual Conference Committee of Examination[35] may accept from an undergraduate the

[33]Journal, 1832, p. 422; 1854, p. 348. [34]Baker, p. 47.

[35]The General Conference of 1816 enacted the first law providing for Courses of Study, limited to "candidates for the ministry," making it the duty of the Bishops or of a committee appointed by them to determine the courses, and requiring satisfactory evidence of knowledge by the candidate before his re-

certificate of an approved college for any part of the Course of Study that he has completed, even though several years have elapsed since the work was done, provided the committee is satisfied that the work was properly done; but the books used must be those prescribed in the Course of Study. (College of Bishops, 1913.)

39. The Discipline prescribes that "a certificate from a theological seminary or from the Biblical Department of a standard college, that equivalent work has been done, may be accepted in lieu of the biblical and theological subjects prescribed for candidates for admission or for Conference undergraduates."

"A standard college" is not a college accepted as "standard" by the educational authorities of a State, but a college meeting "the minimum requirements" laid down by the "Commission of ten practical educators," and classified as standard by "the General Conference Board of Education"; "equivalent work" is work done in an institution which meets at least these minimum requirements.

All examining committees must approve the examination of a candidate before he can be admitted on trial, or advanced to another year; and until the examining committees report their approval of the work of the candidate the Conference cannot vote to advance him; but these examining committees must hold the candidates responsible for a satisfactory knowledge of the books prescribed in the courses of study, except "that a certificate from a standard college of our Church, or from other than Methodist colleges of equal grade, may be accepted in lieu of any or all collegiate subjects prescribed for Conference undergraduates, and a certificate

ception into full connection. (Journal, 1816, pp. 151, 161.) Courses of study for elder's orders, motion to provide such, laid on table. (Journal, 1832, p. 380.) In 1844 this legislation was extended to cover the four years' course, and the Bishops were made responsible for the Courses of Study. (Journal, 1844, pp. 15, 17, 31, 33, 59, 61, 125.)

from a theological seminary, or from the Biblical Department of a standard college, that equivalent work has been done, may be accepted in lieu of" these last-named subjects. (College of Bishops, 1919.)

40. A layman is entitled to serve on a committee of the District Conference to examine candidates for license to preach. (College of Bishops, 1903.)

41. A local preacher who has preached four years consecutively from the time he received a license to preach, and one of those years has been on trial in the traveling connection, is eligible to deacon's orders without a recommendation of the District Conference. (College of Bishops, 1902.)

42. A preacher who had been a local deacon for two years successively before his reception on trial into the traveling connection, and has since and immediately following his admission traveled two years in the itinerant ministry, cannot be elected to elder's orders under the proviso which says "that if he has been a deacon for three years successively, and on trial in the traveling ministry one year next following, he shall be eligible to the office of an elder on obtaining the approbation of the Annual Conference." (College of Bishops, 1893.)

43. A deacon admitted on trial into an Annual Conference is not eligible, after a service of two years, to the office of elder, even though he may have completed the Course of Study for that office and may have been admitted into full connection. (College of Bishops, 1891.)

44. Unless it be given authority by the Annual Conference a Conference Board of Missions cannot

make appropriations beyond the bounds of the Conference; but two or more Annual Conferences can authorize their Boards of Missions to unite in establishing and maintaining a mission at an institution in which they have a common interest, and where it is clear that the work cannot be properly done without such appropriation the Boards may unite in making appropriations for the support of a preacher or teacher or missionary in an institution already established. While an Annual Conference has no authority to instruct in the sense of commanding its Board of Missions to make appropriations, it may instruct in the sense of making its wishes known. (College of Bishops, 1920.)

SECTION III.

DISTRICT CONFERENCES.

1. The District Conference covers the territorial jurisdiction of a Presiding Elder, is held once a year, and includes in its membership all the preachers of the District—the Presiding Elder,[1] the traveling, local, and resident superannuates—and laymen as each Annual Conference determines for itself.

2. A connectional officer residing without the territory of the Annual Conference to which he belongs is not a member of the District Conference including the place of his residence. (College of Bishops, 1911.)

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[1]The Presiding Elder of a District is a member of its District Conference. (College of Bishops, 1892.)

3. Its President may be a Bishop or Presiding Elder, and, in the absence of both, the District Conference must elect a President from its membership.[2]

4. The time of the session is fixed by the Presiding Elder, and the place from year to year by the body.

5. Its business is to supervise the general work of the Church within the District, including the spiritual state of the Church, the attendance on ordinances and social meetings, missions, Sunday schools, education, Bible collections and distribution, financial methods, contributions, houses of worship, parsonages, journals of Quarterly Conferences, the Epworth League, ministerial supply, the training of candidates for the ministry, lay activities, and the circulation of our Church papers.

6. It elects by ballot eight lay delegates to the ensuing Annual Conference,[3] chooses a District Lay Leader and two Associate District Lay Leaders for the work of the Board of Lay Activities[4] in the District, makes inquiry concerning efforts to discover who are called of God to the ministry, to

[2]Where a District Conference elects its president, it must choose him from its own membership. (College of Bishops, 1910.)

[3]All delegates to the Annual Conference must "have been members of our Church for at least six calendar years next preceding the time of their election, and also at the time of holding the General Conference." (Discipline.) The law applies also to delegates to the Annual Conference. All reserve delegates to be legally elected must receive a majority of the votes cast on that ballot.

[4]The Board of Lay Activities, not being appointed by the Annual Conference, its reports to that Conference are primarily for information. Those reports may, with the consent of the Annual Conference, be spread upon the minutes; but if submitted to the vote of the Conference they may be adopted, amended, or rejected.

test their work, and to aid in their preparation, grants and renews license to preach, and recommends to the Annual Conference suitable candidates for admission or readmission into the traveling connection, and recommends local preachers for deacon's or elder's orders. It also elects annually, upon the nomination of the Presiding Elder, a Licensing Committee, to serve until the ensuing Annual Conference, with power, "in cases of absolute necessity," to license properly recommended persons to preach, and to recommend proper persons to the Annual Conference for admission on trial into the traveling connection and for readmission, in cases arising after the adjournment of the District Conference. No action of the Licensing Committee is valid unless all the members be present when a case is considered, and unless all unanimously approve the license or the recommendation.[5]

7. In the election of lay delegates to the Annual Conference "no member of the Annual Conference shall vote"; but every other member of the District Conference is entitled to a vote in this election; and preachers on trial having appointments in the district are members of the District Conference. (College of Bishops, 1912.)

8. Local preachers and laymen are eligible to membership in the Annual Conference on precisely the same terms with respect to the qualifications

[5]The action of the Licensing Committee of a District Conference recommending an applicant for admission on trial into the traveling connection is irregular and invalid unless all the members of the committee be present when the case of the applicant is considered, and unanimously approve his recommendation. (College of Bishops, 1910.)

of age and number of years of membership in the Church. (College of Bishops, 1909.)

9. At a District Conference the Presiding Elder brought up the passage of the character of a preacher on trial in an Annual Conference. He was asked: "Do the preachers on trial in an Annual Conference need to have their character passed and license renewed by the District Conference?" and decided Yes. An appeal was taken to the Bishop presiding in the Annual Conference, who decided as follows:

"The Presiding Elder was in error. The character of a preacher on trial passes in the Annual Conference,[6] an admission on trial in an Annual Conference is a license to preach, continuance on trial is a renewal of that license." (College of Bishops, 1911.)

10. A District Conference may license a preacher in his absence, provided his examination is satisfactory. (College of Bishops, 1900.)

11. A local preacher under suspension at the time his license should be renewed by the District Conference is not by that fact debarred from a renewal of license by the ensuing District Conference, else a suspension would operate as an expulsion from the ministry. (College of Bishops, 1897.)

12. The discontinuance by an Annual Conference of an unordained preacher on trial takes him out of the itinerancy, but his license to preach will continue in force till the meeting of the next District Conference, otherwise discontinuance would be practically expulsion from the ministry. (College of Bishops, 1918.)

13. Every license of a local preacher is for one

[6]See Baker, pp. 70, 71; Merrill, "A Digest of Methodist Law," p. 17.

year, at the end of which time, if not renewed, it expires. "If the license of a local preacher has expired," by his neglect or the refusal of the District Conference to renew, "the same preliminary steps must be taken to regain it as if no license had ever been given." (Baker, p. 72.)

14. The license must be renewed "annually"; but the ecclesiastical, and not the calendar, year is meant. If by the arrangement of District Conferences the time in which a license has run should exceed twelve months, it is not thereby rendered null and void.

15. An "application" for license to preach or for the renewal of a license must be made by the applicant in person, or by letter, or by some one whom the applicant has requested to act for him. (College of Bishops, 1923.)

16. If a District Conference refuse to renew the license of a local preacher, a subsequent Conference cannot reconsider the matter and grant a renewal. The license must be obtained through the same process as though none had ever been given.

17. A Quarterly Conference within one district can recommend a brother to the District Conference of another district for license to preach, admission on trial, or readmission into the traveling connection. (College of Bishops, 1896.)[7]

18. A District Conference may refuse to give or renew a license without assigning any cause, or finding a decrease of piety, talent, or usefulness;[8]

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[7]Since this decision was rendered the District Conference has jurisdiction in such cases (Journal, 1902, pp. 183, 203), but the legal principle applies to the District Conference as formerly it applied to the Quarterly Conference.

[8]Baker, p. 71, quoting Bishops Waugh and Janes.

but it cannot deprive ordained preachers of credentials and privileges which were conferred by an Annual Conference, without moral impeachment, or complaint of unfaithfulness to the ministerial office and covenant, and an investigation or trial according to law. The failure of a local preacher to report to the District Conference as the law requires does not prevent the District Conference from entering into the merits of his case and passing his character; but such failure to report is just ground to refuse to pass his character if the Conference so decide.[9]

19. A subsequent District Conference cannot reconsider the act of a former, by which a local preacher was expelled, and restore him; for if so, they might reconsider and condemn a man who had formerly been acquitted. And if they could reconsider the act of the last District Conference, they might reconsider an act passed years before.

20. When a Quarterly Conference of one charge deposes a preacher, that of another[10] charge cannot in defiance immediately relicense him; and on the recommendation of such Conference an Annual Conference cannot restore his credentials. (College of Bishops, 1887.)

21. The credentials of an ordained local preacher are not to be renewed annually. His credentials authorize him to preach until they are surrendered

[9]If a local preacher fail to report in writing to the District Conference "the extent and results of his labors," as required by the Discipline, the District Conference may, on account of his failure to comply with the law, refuse to pass his character; but such failure does not prevent the District Conference from entering into the merits of the case and passing his character. (College of Bishops, 1907.)

[10]Baker, p. 71, quoting Bishops Waugh and Janes.

or forfeited. But all ordained local preachers, each by name, must annually pass an examination of character in the District Conference, respecting their lives, labors, and usefulness. If a District Conference refuse to pass the character of a local elder or deacon for any cause, he is immediately under arrest of ministerial character, and the administrator must proceed to an investigation of the case.

22. The right of a presiding elder to examine an applicant who cannot reach the District Conference, and to report the result of the examination to the Conference, does not include the right to examine him in the absence of the Licensing Committee and to report to that committee. Where the Licensing Committee is intended to be included, it is specifically mentioned. (College of Bishops, 1915.)

SECTION IV.

QUARTERLY CONFERENCES.

1. The members present at the time and place regularly appointed for a Quarterly Conference constitute a quorum for the transaction of business.[1]

2. The Presiding Elder is, by his office, the President of the Quarterly Conference. Not being a member of it, he has no vote, even on a tie.[2] In his absence, the preacher in charge is the President, and, being a member of the body, may vote

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[1]Baker, p. 55. [2]*Ibid.*, p. 56.

on a ballot or a call of the yeas and nays, or give the casting vote.

3. "The Presiding Elder must appoint the time of holding a Quarterly Conference. If another person appoints it, without his knowledge or consent, it is not a legal session, though the preacher in charge preside in it."[3]

4. All the members of a Quarterly Conference, not under charges, have an equal right to speak on all subjects coming properly before it, and to vote on all questions, except those affecting their own standing.

5. The unrecorded action of the Quarterly Conference is of no legal authority; neither can a subsequent Quarterly Conference approve the minutes of a former one. The minutes should be read, and approved, and signed at the close of the session.[4]

6. "An adjournment from day to day, to finish pending business, is regular; but a Quarterly Conference may not adjourn to a distant day to take up new business which would properly come before a future Quarterly Conference."[5] But the General Conference of 1898 authorized the Presiding Elder and preacher in charge to change the place, and to call special sessions.[6]

7. The Quarterly Conference has an important supervisory relation to the property and finances of the Church, and to the faithfulness and efficiency of those officers of the Church which are created by it and responsible to it; therefore it is authorized to hear complaints against the official acts and delinquencies of local preachers, trustees, stewards,

[3]Baker, p. 54. [4]Hedding, p. 36. [5]*Ibid.*, p. 56. [6]Journal, 1898, p. 221.

and exhorters, and to correct or remove them. Traveling preachers not being amenable to this tribunal, the Quarterly Conference is not the place to bring or hear and determine complaints against them.

May 3, 1866.—The General Conference having requested the Bishops "to give an official opinion as to what is meant by the word 'complaints' in the question asked in Quarterly Conferences, 'Are there any complaints?' Bishop Pierce, in behalf of the College of Bishops, answered, that they consider that the word 'complaints' includes cases of official neglect in the officers of the Church responsible to the Quarterly Conferences, and grievances growing out of the nonpayment of debt, and cases of arbitration." (Journal, pp. 106, 130.)[7]

At that session,[8] the law concerning arbitration, and nonpayment of debt awarded by arbitration, was stricken out; and immoralities in such matters were left, like other immoralities, to the ordinary action of Church law. But the General Conference of 1870 restored the law on arbitration.[9]

8. In a Quarterly Conference, under the question, "Are there any complaints?" the pastor was complained of for neglect of certain duties, and a record was made of it. The case coming before the Bishop, he decided: "That, while it is the duty of the Presiding Elder to learn all he can concerning the usefulness and acceptability of a pastor, and from no source is he likely to get such reliable information as from official members, nevertheless the Quarterly Conference is not charged with the duty of inquiring into the life and official admin-

[7]The meaning of "complaints" came before the General Conference of the M. E. Church in 1884, and the same decision was given, Journal, 1884, p. 376, quoted in Merrill, "A Digest of Methodist Law," pp. 22, 23.

[8]Journal, 1866, pp. 120, 121.

[9]Journal, 1870, pp. 208, 340.

istration of a member of an Annual Conference. Complaints may not be entertained against him by that body, nor entered on its journal. He is responsible to another ecclesiastical body which has original jurisdiction, and may censure, suspend, or expel him. The question, "Are there any complaints?" applies only to official members of the local charge. (College of Bishops, 1875.)

9. The Quarterly Conference elects superintendents of Sunday schools, trustees, and stewards, on nomination of the preacher in charge,[10] and "confirms the officers of the Epworth Leagues at the Conference next succeeding their election," but only the presidents of Senior Leagues are to be confirmed.[11] It also has the power to license proper persons to exhort and to renew their licenses annually. It belongs to it likewise to recommend proper persons to the District Conference for license to preach, and on circuits it is its duty to elect a Charge Leader for the work of the Board of Lay Activities in the charge.

10. The Quarterly Conference is authorized to accept or reject any conveyance, gift, donation, legacy, bequest, or devise, for the benefit of any church under its jurisdiction or for the whole charge.

11. "The President of a Quarterly Conference has the right to decline putting the question on a motion, resolution, or report, when, in his judgment, such motion, resolution, or report does not

[10]Necessary assistant superintendents, superintendents of departments, and general officers are nominated by the superintendent with the concurrence of the pastor.

[11]A Quarterly Conference can confirm only the presidents of Senior Leagues. (College of Bishops, 1911.)

relate to the proper business of a Conference; provided, that in all such cases the President, on being required by the Conference to do so, shall have inserted in the journals of the Conference his refusal to put the question on such motion, resolution, or report, with his reasons for so refusing."[12]

12. "The President of a Quarterly Conference has the right to adjourn the Conference over which he presides, when, in his judgment, all the business prescribed by the Discipline to such Conference shall have been transacted; provided, that if an exception be taken by the Conference to his so adjourning it, the exception shall be entered upon the journals of such Conference."[13]

The Quarterly Conference may resort to a remedy by appealing to the President of the Annual Conference on questions of law, or by making complaint of maladministration against the Presiding Elder: in either case, notice should be given, and the record, or a certified copy thereof, should be sent up. But such appeals must be taken by a vote of the Conference; they cannot be taken by an individual member of the body on his own motion alone.[14]

SECTION V.

THE CHURCH CONFERENCE.

1. The members of this Conference, which took form in 1866,[1] consist of all members of the local

[12]Journal, 1840, p. 121.

[13]*Ibid.*, p. 121.

[14]Except in trials, an appeal must be taken by the Quarterly Conference, or a majority of it, and not by an individual member of that body. (College of Bishops, 1871, 1886.) The right of appeal from the decision of a Bishop belongs only to the Conference over which he is at the time presiding, and cannot be claimed or exercised by any individual member thereof. (College of Bishops, 1891.)

[1]Journal, 1866, pp. 96, 99, 100.

church and the resident members of the Annual Conference.

2. The Secretary is elected annually, at the first meeting after the session of the Annual Conference, and is a member of the Quarterly Conference, to which it is made his duty to return all statistics the Discipline requires to be reported to the Annual Conference. It is his duty also to enter in chronological order, in a permanent register, the full names of all who join the Church, with the time and manner of the reception and disposal of each; to make a permanent record of all the baptisms and marriages within the congregation; and to furnish the pastor with an alphabetical roll of the church. It is his duty also to make a written report to the Quarterly Conference.

3. The Church Conference is not intended for the discipline of negligent or unruly members, a function specifically provided for in the Discipline through other channels; but it may drop from the roll of members the names of persons lost sight of for a year or more, thus giving to the roll call a special importance as a means of correcting and maintaining an accurate list of the church members; provided, however, that if any member whose name has been thus dropped appear and claim membership, he may be restored by a vote of the Conference.

4. In this Conference is lodged one important financial function: that of deciding how are to be raised those moneys reported by the stewards, in installments fixed by them, for ministerial support, and the collections ordered by the Annual Confer-

ence, if it choose to exercise that fundamental right. Stewards are allowed and required to adopt, as an alternative, the plan of "assessment with consent" only when the Church Conference has declined or failed to adopt that or some other method. In no event can stewards or Annual Conferences invade this primal right of the Church. (Discipline, 1922, Chap. V., Sec. 1.)

5. This Conference inspects from month to month, or quarter to quarter, as may be practicable, the work of the local church, including Sunday schools, Epworth Leagues, missions, Church Extension, prayer meetings, circulation of religious literature, collections ordered by the Annual Conference, and other enterprises for advancing the cause of Christ, and receives reports from the preachers, class leaders, and stewards. It is its duty also on stations to elect, before the session of the Annual Conference, a Missionary Committee, an Evangelistic Committee, a Christian Education Committee, a Committee on Stewardship and Tithing, a Lay Speakers' Committee, and a Social Service Committee for the Church. On circuits a Church Lay Leader is to be elected.

6. While the book of Discipline suggests an order of business for the Church Conference, the preacher in charge is wisely given discretion to limit attention at a session to a single topic or to a few topics, so as to emphasize any important and neglected interest, and adopt expedients that may be suitable and necessary to forward it.

CHAPTER II.

DUTIES AND RESPONSIBILITIES OF CHURCH OFFICERS.

SECTION I.

OF BISHOPS.

1. "THE bishops have their part to act in the discipline of the Church, by so performing their duty in the [General], Annual, [and District] Conferences, according to the powers the Church has given them, as presidents of those bodies, as to see that every act is in accordance with the laws of the Church. They also, as overseers, have many duties imposed upon them, in the private interviews they hold, both with the preachers and people; in administering such instructions and reproofs as the cases which come under their observation may severally require."[1]

The relation of the Episcopal office to a uniform and efficient administration of the government is set forth by Bishop McKendree in a paper drawn up when it was proposed to "transfer the power of choosing Presiding Elders and stationing the preachers from the Bishops to the Annual Conferences."[2]

"Take this perogative from the Superintendents, and there will remain with them no power by which they can oversee the work, or officially manage the administration; and therefore the [General] Conference must in justice release them from their responsibilities as Bishops. . . . But such a change in the government would deprive the General Conference of an important—perhaps an essential—

[1]Hedding, p. 28.
[2]Paine, "Life and Times of William McKendree," Vol. I., pp. 415, 444.

part of their authority, and put it out of their power to enforce and carry our system of rules into effect. This will appear from the peculiar relation between the Bishop and [General] Conference, or the connection between making our rules and enforcing them. The Superintendents are chosen by the General Conference, are the repositories of executive power, and are held responsible as overseers of the whole charge. By calling upon them, the administration, in every part of the work, may be brought under the inspection and control of the General Conference. But if the power of superintending the work were taken from the Bishops, they must be released from the responsibility; and if *they* should be released, there would be no person or persons accountable to the General Conference for the administration; consequently the connection between making rules and enforcing them would be dissolved. The legislative body would then have no control over the executive—no power to enforce their rules or laws. The several Annual Conferences are under the control of general rules, enforced by responsible Superintendents; so that if a preacher should depart from the discipline or doctrine of the Church, it is the Bishop's duty to correct, remove from office, or bring him to trial, according to discipline. Should an Annual Conference dissent from the doctrine or discipline of the Church, the Bishop should enter his protest, and bring the case before the ensuing General Conference. Should the Superintendent join with a Conference in such a departure, the next General Conference will call him to an acccount for it; and by this medium the General Conference takes cognizance of the acts of Annual Conferences: so that while the Superintendents serve as a center of union and harmony among the Annual Conferences, they, *i. e.*, the Annual Conferences, become responsible to, and are brought under the inspection and control of, the General Conference." ("Life and Times of William McKendree," Vol., II., pp., 356, 357.)

2. The Bishops "are amenable to the General Conference, not only for their moral conduct, and for the doctrines they teach, but also for the

faithful administration of the government of the Church, according to the provisions of the Discipline, and for all decisions which they make on questions of ecclesiastical law. In all these cases this body [the General Conference] has original jurisdiction, and may prosecute to final issue in expulsion, from which decision there is no appeal." (Soule.)[3]

3. "The General Conference appoints a Committee on Episcopacy, to examine the conduct of the superintendents, both private and official, for the four years next preceding the session; and to present to the conference anything they find exceptional. To this committee any preacher or member of the Church may have access."[4]

The scope of this committee was first defined in 1824.[5]

"J. Soule presented the following resolution of the Committee on the Episcopacy:

"*Resolved*, That this committee request our chairman to inquire of the conference whether this committee is authorized to examine into all matters connected with the episcopacy, which to them appear proper to be inquired into."

N. Bangs offered the following resolution:

"*Resolved*, That the Committee on the Episcopacy be instructed to inquire into all matters that they may believe necessarily connected with the episcopal office and duties, and whether the number of bishops shall be increased. Signed, N. Bangs, W. Capers. Carried."

4. Besides their powers of ordination and appointment of preachers, it is the duty of the Bishops "to decide all questions of law coming before them in the regular business of an Annual or District Conference." The questions thus decided must

[3]Journal, 1844, p. 154. [4]Hedding, pp. 10, 11. [5]Journal, 1824, p. 53.

"be presented in writing, and with his decision be recorded on the journals of the Conference." From the decision a Conference has "the right to appeal to the College of Bishops, whose decision in such case shall be final. No episcopal decision shall be authoritative, except in the case pending, until it shall have been passed upon by the College of Bishops." The bishops are required to meet semi-annually "to survey and consider all the work of the Church at large; to plan and suggest new and needed enterprises in any part of the field; to provide as far as possible a uniform policy of administration in order to the exercise of the functions of true Church leadership." At these meetings each Bishop must report in writing the decisions of law made by him for review by the College of Bishops, and the conclusions reached by the College of Bishops are recorded in permanent form and published. When published, they become "authoritative constructions of law." (Discipline.)

5. A question of law that has been decided by the College of Bishops need not be decided by the Bishop presiding, even though presented in due form. (College of Bishops, 1887.)

6. No unrecorded decision of law is of any force. (College of Bishops, 1913.)

7. The opinions of a Bishop, verbal or written, given outside of a Church committee or Conference, are not official or binding in the administration of discipline. Every administrator is held responsible before the proper tribunal, for the manner in which he administers the law, without regard to such informal decisions or unofficial

opinions. As a general thing the seeking or giving of such unauthoritative decisions is inexpedient and injurious.

8. A Bishop in the chair of an Annual Conference is not authorized to make decisions on questions of law growing out of supposed cases, however ingenious or interesting, but on those questions only which arise in the actual administration of discipline, and which have arisen in the order of business. (Paine.)

9. The College of Bishops has decided that it is not proper, in such capacity, to entertain any questions of law, or to issue any decision, except in those cases presented, according to rule, for review, or coming up by appeal from the Annual or District Conferences.

10. The College of Bishops, as a judicial body, cannot formally entertain or deliver an official opinion on any question of law, unless it shall come up in regular order, as by appeal or for review. Hypothetical or supposed cases, however ingenious and interesting, can have no hearing here; but only those actually arising in the administration of Church law, and these must come up in the way prescribed. (College of Bishops, 1867.)

By the law of our Church a Bishop has no authority to give a legal decision of a hypothetical question. (College of Bishops, 1910.)

11. A Bishop "can ordain neither a deacon nor an elder without the election of the candidate by the Annual Conference,"

As to the discretion allowed after such election: In the "General Minutes of the Conferences of the Methodist Episcopal Church in America," for 1784, designed for the same end that our Discipline now is, it is said: "No person shall be ordained a *Superintendent elder or deacon*, without the Consent of a Majority of the Conference, and the Consent and Imposition of hands of a Superintendent."[6] In 1787 this was changed to "the election of a Majority of the Conference, and the laying on of hands of a Bishop and the Elders present."[7] From 1788 to 1812, under the section concerning Bishops and their duty, the Discipline says that on certain testimonials being furnished, "the bishop has obtained liberty, by the suffrages of the [General] Conference, to ordain local preachers to the office of deacons." In their Notes, Bishops Coke and Asbury say: "A branch of the episcopal office, which, in every episcopal church upon earth since the first introduction of christianity, has been considered as essential to it, namely, *the power of ordination*, is *singularly* limited in our bishops. For they not only have no power to ordain *a person for the Episcopal office* till he be first elected by the general conference, but they possess no authority to ordain an *elder or a traveling deacon*, till he be first elected by a *yearly* conference; or a local deacon, till he obtain a testimonial, signifying the approbation of the society to which he belongs, countersigned by the general stewards of the circuit, three elders, three deacons, and three traveling preachers. They are, therefore, not under the temptation of ordaining through interest, affection, or any other improper motive; because it is not in their power so to do. They have, indeed, authority to suspend the ordination of an elected person, because they are answerable to *God* for the abuse of their office, and the command of the apostle, 'Lay hands suddenly on no man,' is absolute: and we trust where conscience was really concerned, and they had *sufficient reason* to exercise their power of suspension, they would do it, even to their loss of the

[6] N. B. after Answer to Question 26.

[7] Discipline, 1787, pp. 6, 7. For the ordination of deacons the answer is the same except that the words "and the Elders present" are omitted.

esteem of their brethren, which is more dear to them than life."[8] Bishop Emory held similar views.[9]

Another aspect of the subject is presented in the Episcopal Address of 1844:

"The execution of this office is subject to two important restrictions, which would be very irrelevant to prelacy, or diocesan Episcopacy, constituted on the basis of a distinct and superior order. The latter involves *independent action* in *conferring orders*, by virtue of authority inherent in, and exclusively pertaining to, the Episcopacy. But the former is a delegated authority to *confirm orders*, the exercise of which is dependent upon another body. The Bishop can ordain neither a Deacon nor an Elder, without the election of the candidate by an Annual Conference: and in the case of such election he has no discretional authority; but is under *obligation* to ordain the person elected, whatever may be his own judgment of his qualifications. These are the two restrictions previously alluded to.

"This is certainly a wise and safe provision, and should never be changed or modified so as to authorize the Bishops to ordain without the authority of the ministry. With these facts in view, it is presumed that it will be admitted by all well-informed and candid men, that, so far as the constitution of the ministry is concerned, ours is a '*moderate Episcopacy.*'"[10]

12. In making the appointments of the preachers, it is unlawful for a Bishop to employ any preacher who has been rejected as an applicant for admission into the traveling connection, or who has been discontinued or located, except at his own

[8] Discipline, 1798, p. 44. This is the Discipline containing the "Notes" of Coke and Asbury. These "Notes" were "drawn up" and "published with the present edition" (1798) at the "desire" of the General Conference of 1796. (Discipline, 1798, p. iv.) The General Conference of 1800 (Journal, 43, 44) took the following action: "*Resolved*, That the form of Discipline shall be printed by itself, and the notes likewise printed distinctly out, with such references, that they may be bound with the form and that the preachers shall have liberty to order as many as they please with the notes or without them. Agreed to."

[9] Emory, "Defence of Our Fathers," p. 65.

[10] Journal, 1844, p. 155.

request, unless the Annual Conference, at the time of such rejection, discontinuance, or location, shall give its consent to the employment of such preacher.[11]

13. "A Bishop sustains the relation of a *moderator* to the General Conference. He represents no section or interest of the Church; he can claim no right to introduce motions, to make speeches, or to cast votes on any question."[12] On points, both of law and order, there is an appeal from his decision to the deliberative body.

In the General Conference of 1840 (May 19), Bishop Andrew in the chair, on a question to lay the substitute on the table, the vote stood 62 to 62. "The President voting in the affirmative, the substitute was laid on the table." May 28, of the same session, a question, taken by yeas and nays, stood 69 to 69. Bishop Hedding in the chair, declined to give the casting vote, stating, "that in his judgment a Bishop presiding in the General Conference has not the prerogative, in case of a tie on a question, to decide it by giving the casting vote; and that, as there was not a majority in favor of the resolution, it was lost, of course."[13]

In the General Conference of 1800, the ninth Rule of Order was: "No motion shall be put, except by the presidents, unless it be first delivered at the table in writing, after being read by the mover, and seconded."[14] This rule was readopted in 1804. The first two motions recorded in the Journal of 1804 were by Bishop Coke, both of which were lost; and the first, on the second day, by Bishop Asbury, "carried unanimously."[15] During that General Conference of one hundred and seven members, and lasting from May 7 to May 23,

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[11]See p. 71. [12]Baker, p. 40.

[13]Journal, 1840, pp. 62, 88. In 1820 Bishop Roberts decided that in a tie vote the question was lost, "inasmuch as there was not a majority." (Journal, 1820, p. 232.) See the discussion of this point in E. M. Wood's "Bishops and Legislation," pp. 16, 17.

[14]Journal, 1800, p. 32. [15]Journal, 1804, p. 50.

Bishop Asbury made eight motions, all of which were carried, and Bishop Coke eighteen, sixteen of which prevailed.[16] They were on various subjects—revising the Discipline, interests of the Book Concern, etc. In 1808, the ninth rule stands, and the Journal shows nine motions "moved from the chair," and five by "Francis Asbury" or "Bishop Asbury"—all fourteen adopted.[17] The Rules of Order in 1812 are not printed. Bishop Asbury is recorded as making one motion. In the General Conference of 1840 Bishop Soule offered the series of Resolutions on Colored Testimony (adopted by 97 to 27), which formed one of the compromises that conserved connectional unity.[18] On June 2 of the same session, the Journal says, "The Superintendents presented the following—*Resolved*, etc."—which was slightly amended by the Conference and "carried."[19] Thus have originated many measures now standing in the Discipline.

Notwithstanding these facts of history, later usage, based on a generally accepted view of Episcopal propriety or of ecclesiastical constitution—perhaps both—is as above stated. The Bishops do not formally introduce motions or cast votes; neither do they claim that right. The influence exerted by them, in the chief Synod of the Church, is less positive and direct. Bishop McKendree, speaking of the delegated General Conference, says, it is "composed of two parts: the representatives of the Annual Conferences and the Bishops."[20] He further says: "The representatives and the General Superintendents who compose the General Conference, do not act as separate and distinct bodies; and yet such is their respective relations to their constituents, that they form a check on each other in order to preserve the constitutional rights and privileges of the preachers and people. In the sixth article the mode of altering or amending the Constitution is pointed out and stands thus: '*Provided*,' etc. . . . By this proviso our constituents have reserved to themselves the right of judging in constitutional cases, and effectually

[16]Journal, 1804, pp. 50, 51, 53, 54, 57, 60, 62, 64, 65, 67, 68, 69.
[17]Journal, 1808, pp. 73, 74, 78, 79, 81, 85, 86, 87, 89, 90, 92, 93.
[18]Journal, 1840, p. 109.
[19]Journal, 1840, p. 108.
[20]Paine, "Life and Times of William McKendree," Vol. II., p. 357.

prohibiting every infringement on their sacred rights. The Superintendents have no negative on the General Conference; but if that body should attempt to exceed the bounds of the delegated power, the Superintendents may declare the procedure unconstitutional; and if it should remain a subject of dispute between the Conference and Superintendents, it must be referred to the Annual Conferences, as a constitutional question. In this way the General Superintendency is a safe and easy check on the delegated Conference. But the Bishops are amenable to that body for their administration. The Conference is therefore a powerful check on them, in the exercise of their powers."[21]

This course was pursued with what were called the Suspended Resolutions of 1820, which were considered an infringement not only of the third Restrictive Article of the Constitution, but also of an equally binding action of the undelegated General Conference of 1808. On Monday morning, May 16, 1808, the report of the committee of fourteen "relative to regulating and perpetuating General Conferences" was taken up. Monday afternoon, May 16, on motion of Ezekiel Cooper, seconded by Joshua Wells, the above report was postponed "to make room for the consideration of a new resolution, as preparatory to the minds of the brethren to determine on the present subject. Carried." Cooper and Wells then moved, "That in the fifth section of the Discipline, after the question, 'By whom shall the Presiding Elders be chosen?' the answer shall be—'Ans. 1st. Each Annual Conference respectively shall, without debate, annually choose, by ballot, its own presiding elders.'" (Journal, 1808, p. 83.)

The debate continued through Tuesday morning and afternoon, May 17. Wednesday morning, May 18, a vote by ballot was taken, and Cooper's motion was lost, 52 to 73. (Journal 1808, p. 84.)

"The General Superintendents are constituted the supreme executive, or the deputy of executive power. It is the duty of a Bishop, or Superintendent, 'to preside in the Conferences; to ordain bishops, elders, and deacons; to travel

[21]Paine, Vol. II., pp. 364, 365.

through the Connection at large; to oversee the spiritual and temporal business of the societies.' And for the faithful performance of those duties, they are amenable to the General Conference, who have power to expel them for improper conduct, if they see it necessary. But in order to constitute them justly responsible, they should be clothed with sufficient power to discharge the duties enjoined to them. Therefore they are invested with the power of ordination, and full power to superintend the work at large. The traveling preachers collectively have delegated to them these powers: to fix the appointments of the preachers for the several circuits; and in intervals of the Conferences, to change, receive, and suspend preachers; to form Districts; to choose, station, and change Presiding Elders, etc." (Paine, "Life and Times of William McKendree," Vol. II., p. 363.)

"The General Conference possess only a delegated power, which is to be exercised under certain limitations and restrictions; but this power is not transferable, for no representative has a right to transfer his delegated powers to another. Of course, a body composed of such members can have no such right; neither does the constitution authorize the General Conference to transfer their delegated power, or to make such a change in the form of government; therefore it is not within the limits of their delegated powers to effect such a revolution. Even the body from whom the delegated Conference derived its existence and powers, never elected Presiding Elders, nor stationed the preachers; and there is room to doubt if it ever was the prerogative of the collective body so to do. That the preachers who composed it had a right, as individuals, to make their own appointments, and therefore had an undoubted right to authorize whom they pleased to make appointments for them, is admitted by all; and that the preachers did formally authorize the General Superintendents to choose the Presiding Elders and appoint the preachers for the several stations, will be denied by none; therefore the former General Conference cannot claim the power of appointing Presiding Elders and stationing preachers, otherwise than the preachers who composed it had power to divest the General Superintendents of that power and confer it on another, or exercise it in their collective capacity,

if they had been so minded. But this they have never done. That they did not, and intended that it should not be done, will appear from the following circumstance: When the report of the Committee which was appointed to draw up a constitution was before the General Conference, a member moved the postponement of that subject for the express purpose of bringing in a motion to authorize the Annual Conferences to elect the Presiding Elders. It was done: and that body, who had as much right to introduce the proposed alteration as they had to form the constitution, took up the proposition, amply discussed the subject, and *rejected* it. The friends of the proposed alteration thought the constitution would put it out of the power of the delegated Conference to effect the desired change, and therefore proposed to make the alteration before the constitution was ratified. But the preachers preferred the old plan, and therefore rejected the motion. After twenty years' experience, and with the constitution fully before them, they refused to invest the Annual Conferences with power to elect Presiding Elders, and at the moment of constituting the delegated Conference, deliberately confirmed it, and continued it in the General Superintendents, with whom it had been intrusted from the beginning. The Presiding Elders never were elected by the preachers, either in their Annual or General Conference capacity, but were from their commencement chosen by the General Superintendents, with the consent of the preachers collectively; and this rule was ratified and confirmed by the same authority that constituted the delegated Conference. Now, as the Bishops do not derive this power from the delegated Conference, but from the preachers collectively, the delegated body can have no authority to take it from them. This can be effected by none but that body from whom they received it. That the delegated Conference is authorized to elect and consecrate a Bishop, and that a Bishop so consecrated is invested with the powers of an overseer, is undoubtedly true; and that the Bishop is authorized to choose the Presiding Elders, is equally so." (Paine, "Life and Times of William McKendree," Vol. II., pp. 367-369.) This instance of Episcopal interposition in defense of the Constitution, was not only successful, but perhaps no single event has operated

more influentially in shaping our Church polity. And none rejoiced at its effects more, or were readier to acknowledge their happy character, than the once foremost advocates of the elective Presiding Eldership. One of the coördinate departments of the government was about to be swept away by another. Who should interpose? The Annual Conferences, as such, could not. The Church at large could not.

Joshua Soule said, in the session of 1824: "The General Conference is not the proper judge of the constitutionality of its own acts. The course of the last General Conference, in the case of the Suspended Resolutions, shows it thought thus. If the General Conference be the sole judge in such questions, then there are no bounds to its power." (*Op. cit.*, Vol. II., p. 37.)

"Once more," says Bishop McKendree, "the General Superintendents serve as watchmen to guard the Annual Conference against attacks on their constitutional rights. The delegated Conference is composed of two parts: the representatives of the Annual Conferences, and the Bishops. These are equally supported by the preachers collectively, who have secured to themselves in this capacity the right of deciding on any alteration of the Constitution; therefore, that instrument cannot be altered or changed by the General Conference, unless they first obtain the consent of the Annual Conferences. Now, if the representatives should make a premature attack on the Constitution, it becomes the Superintendent's duty, arising out of his relation to the preachers collectively, to arrest the procedure, on constitutional principles, and thus, and on that ground, the subject may come before the Annual Conferences, whose right it is to judge in all constitutional cases. Were it not for this check, which brings all disputes respecting constitutional rights to a uniform and safe conclusion, the Church might be involved in difficulties of the most serious nature." (*Op. cit.*, Vol. II., pp. 357, 358.) This point is explicitly covered in a constitutional amendment which was added to the Discipline, A.D. 1871. (See Chap. II., Sec. 1.) This amendment, in the shape of a proviso, was recommended by the General Conference of 1870, by a vote of 160 yeas to 4 nays. Subsequently the

Annual Conferences concurred, giving an aggregate vote of 2,024 yeas to 9 nays.[22]

SECTION II.

OF PRESIDING ELDERS.

1. "The origin and nature of the office are thus given by Dr. Coke and Bishop Asbury: 'When Mr. Wesley drew up a plan of government for our Church in America, he desired that no more elders should be ordained in the first instance than were absolutely necessary, and that the work on the continent should be divided between them, in respect to the duties of their office. The general conference accordingly elected twelve elders for the above purposes. Bishop Asbury and the district [now called "Annual"] conferences afterwards found that this order of men was so necessary, that they agreed to enlarge the number, and give them the name by which they are at present called, and which is perfectly scriptural, though it is *not the word* used in our translation: and this proceeding afterward received the approbation of Mr. Wesley. In 1792 the general conference, equally conscious of the necessity of having such an office among us, not only confirmed everything that Bishop Asbury and the district conferences had done, but also drew up or agreed to the present section for the explanation of the nature and duties of the office.'"[1]

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[22]Journal, 1874, pp. 536, 537. Minutes, 1870, show, subtracting undergraduates, that 2,479 preachers belonged to the several Annual Conferences.

[1]Baker, pp. 61, 62. The quotation from the "Notes" can be found in the Discipline of 1798, p. 49. "In the year 1784, when the presiding eldership did, *in fact* though not *in name*, commence." (Discipline, 1798, p. 53.)

2. The Presiding Elder is appointed by the Bishop, and in his absence represents his official authority within the District, and exercises all his functions except ordaining.

"The General Superintendents," says Bishop McKendree, "are invested with . . . full power to superintend the work at large. . . . But the work extended so rapidly that in a few years it became impossible for the Bishop to superintend in person; therefore Presiding Elders were introduced as assistant superintendents; and, as the Bishops were the only responsible persons for the administration, they were to choose the Presiding Elders, who are fully authorized to superintend the work in the absence of the Bishops. Therefore the office of a Presiding Elder is not separate or distinct from that of a General Superintendent, but is inseparably connected with a part of it, and included in it. They are deputized by the Bishops, who bear the whole responsibility of the administration, as their assistants in the Superintendency."[2]

In 1792[3] the General Conference first drew up a section in the Discipline for the explanation of the nature and duties of this office.

3. "The Presiding Elder has no authority to release a preacher from the performance of his ministerial duties." A clause in the Discipline, which seemed to imply this, was stricken out by the General Conference of 1840, as "not only at variance with the true theory of our system of itinerant ministrations, but of injurious practical

[2]Paine, "Life and Times of William McKendree," Vol. II., pp. 363, 364.

[3]Discipline, 1792, Section V., p. 19. As was the case with many other features of our government, this office, its functions, and its descriptive name grew out of the needs of our work. It began in 1784 with the appointment to supervisory work of the Elders ordained at that time. See Sherman, "History of the Discipline," p. 187, note. "Mr. Wesley informs us in his works that the whole plan of Methodism was introduced, step by step, by the interference and openings of divine Providence." (Discipline, 1798, p. 49.

tendency."[4] "If a preacher leaves his charge, the responsibility rests upon himself alone, unless he have the consent of the Bishop in charge, and he must answer it at the annual conference."[5]

4. A Presiding Elder, in the absence of a Bishop, may, if necessary, remove a preacher from one charge to another within his District; but he cannot remove him beyond the limits of his District, neither can he fill any vacant place with a traveling preacher who has received an appointment in another District. Nor can he employ any preacher who has been rejected as an applicant for admission into the traveling connection, or who has been discontinued or located, except at his own request, unless the Annual Conference, at the time of such rejection, discontinuance, or location, give its consent to the employment of such preacher.[6]

5. The General Conference of 1890[7] directed "that the Discipline be so changed as to allow ministers or members under charge of immorality to withdraw from the Church without formal trial, the fact of such withdrawal and the circumstances connected with it being made matter of record."

A committee appointed to investigate rumors of immorality against a traveling preacher reported a trial necessary. The preacher surrendered his credentials, and withdrew from the ministry. At the ensuing session of the Annual Conference the bishop stated that the accused, after a Committee of In-

[4]Journal, 1840, p. 105. [5]Baker, p. 63. [6]See pp. 17-19.

[7]Journal, 1890, pp. 139, 140. The Annual Conference by vote may allow one of its members to withdraw though rumors of immorality be against him. (College of Bishops, 1901.) Should the Church require vindication, a person under charges cannot withdraw from the ministry or membership of the Church pending trial. (College of Bishops, 1901.)

vestigation had reported a trial necessary, had presented a bill of charges for immorality, and had suspended him, could not by withdrawing from the ministry escape a formal trial. A Committee of Trial heard the case, and decided that the accused was not guilty.

The bishop presiding had the following written questions presented for his decision:

1. Does the acquittal by the Committee of Trial terminate the suspension and restore the preacher who had withdrawn to membership in the Annual Conference?

2. Was the preacher a member of the Conference during his trial? If not a member, could he be expelled from the Conference, if found guilty? If a member during the trial, at what time, in law, did that connection close?

3. A series of hypothetical questions.

The bishop answered, and the College approved:

1. Acquittal by a Committee of Trial does not in itself alone restore to membership in an Annual Conference a preacher who, with a formal charge of immorality against him presented by a Committee of Investigation, has withdrawn from the ministry of the Church.

2. During the trial the accused was answerable to the Church for his life and official administration up to the time of his withdrawal from the ministry of the Church.

3. By the law of our Church a bishop has no authority to give a legal decision of a hypothetical question. (College of Bishops, 1910.)

6. A Presiding Elder may not give a certificate to a traveling preacher who would withdraw from the Church, certifying to his acceptability and official standing up to date. The Annual Conference to whom such a person is amenable claims the right of examination of character, when his name is called on the roll; and the Presiding Elder may not forestall its judgment. The request to withdraw should be made to the Conference, which alone can receive a member. This may be done

through the Presiding Elder. If a traveling preacher, without this respectful formality, abandons his work and his ministry, the Presiding Elder's official duty is discharged when he has laid the facts before the Conference.[8]

7. The license of a local preacher or exhorter, or the renewal of license, when duly granted by a District Conference, must be issued and signed by the President and Secretary, whatever may be their judgment of the qualifications of the person licensed. It is the District Conference, and not its officers, that grants the license.[9]

8. A Presiding Elder, as President of an Annual Conference, has the same powers and duties of presidency and making appointments as a Bishop; but these are only during the session of the Conference.[10]

9. "The presiding elder is authorized to decide all questions of law in a quarterly [or district] conference; but an appeal may be taken from his decision to the president of the next Annual Conference. If the decision of the president of the Conference be not satisfactory, either party may take an appeal from his decision to the General Conference."[11]

10. "When superannuated and local preachers are employed in the pastoral work by a presiding

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[8]See Journal, 1840, p. 105. [9]Baker, p. 71. [10]Baker, pp. 65, 66.

[11]Baker, p. 62 (3). Under the law at present the appeal cannot be taken by "either party"; it "must be taken by the Quarterly [or District] Conference, or by a majority of it." (See p. 45, note 14.) In our Church, while a Conference may appeal from the decision of its President, it is not necessary, because the law requires that every decision shall be reviewed, that of a Presiding Elder by appeal by the Bishop, and that of a Bishop by the College of Bishops. Since the General Conference can change the law, no appeal from a decision of law can be taken to the General Conference.

elder, the law of limitation of time applies to them as to effective men appointed by a bishop."[12]

11. One of the duties of the Presiding Elder the Discipline declares to be: "To decide all questions of law which may come up in the regular business of the Quarterly or District Conference, when submitted to him in writing, subject to an appeal to the President of the next Annual Conference; but in all cases the application of the law shall be with the Quarterly or District Conference, which shall record in its journals all such questions and decisions."

SECTION III.

OF PREACHERS IN CHARGE.

1. A preacher in charge is one who has the pastoral care of a circuit, or station, or mission, by appointment of the constituted authority. He may be a traveling elder or deacon, an ordained or unordained preacher on trial, or a local preacher employed for the time by the Presiding Elder to supply a vacant place: all, appointed by competent authority, possess full and equal powers as preachers in charge.[1]

2. The preacher in charge, by virtue of his office, is the presiding officer in leaders' meetings, in the meetings of such Church Conferences as are appointed according to the Discipline, in Quarterly Conferences in the absence of the Presiding Elder.[2]

3. "As the Lord is a God of order, and not of

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[12]Baker, p. 63 (8). [1]Baker, p. 66. [2]Hedding, pp. 55, 56.

confusion, it is highly necessary that *one person* should be invested with the regulation of the watch nights and love feasts; and who would be so proper, in the absence of the Presiding Elder, as the preacher who has the oversight of the circuit?"[3] (Coke and Asbury.)

4. If, by any necessity, an unordained preacher is put in charge of a circuit or station, and in this capacity presides in a Quarterly Conference, he must sign all the papers requiring the official signature of the President, including licenses of exhorters, and the recommendations of other men to the District Conference for license to preach, even though among them should be papers affecting himself.[4]

5. "No preacher having the charge of a circuit should be allowed to divide, or in any way lessen, the circuit, without the consent and advice of the presiding elder."[5] But this is not to be so construed as to prevent upon proper consultation and opportunity his taking in new and unoccupied ground.

6. When the peculiar circumstances of the case require it, the Presiding Elder may appoint a preacher from another circuit within his District to preside at a Church trial. For the time being the former preacher in charge becomes the *junior* (or "helper"). But no preacher in charge can on his own responsibility thus transfer his authority to another.

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[3]Discipline, 1798, p. 76. [4]Baker, p. 71.

[5]Journal, 1816, p. 158. A preacher in charge has not the right, immediately after Conference, to change the plan of his work so as to leave a large portion of it unsupplied. (College of Bishops, 1872.)

7. The preacher in charge has no right to accept the resignation of a steward or trustee, and declare the place vacant. Only the Quarterly or District Conference, which confers the office, can accept of the resignation.[6]

8. A local preacher, desiring to withdraw from the Church, should make his request to the District Conference. The preacher in charge can take no other action in the premises than to present the request; or, if the local preacher has left, without proper formality, the official duty of the pastor is discharged when he has reported the facts to the District Conference.[7]

SECTION IV.

THE JUNIOR PREACHER.

1. Two or more traveling preachers may be sent to one circuit. Only one can be in charge. His name stands first, and to him pertains the responsibility of administering discipline, and of regulating the appointments and the work generally. The "junior" is under his direction. The name by which he was formerly called indicates his office—"helper." Though it is the duty of the preacher in charge "to receive members, according to the provisions of the Discipline," it is clear, from the authority which the Discipline grants to local preachers in similar cases, that the "helper" may, under the direction of the preacher in charge, "form new congregations," and "take

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[6]Baker, p. 207. [7]Baker, p. 76.

a list of the names of all candidates for Church membership," whom he may judge suitable, and if it be expedient, "receive them into the Church."

2. The junior preacher cannot, as such, preside in a Church trial; he cannot preside in the Quarterly Conference, in the absence of his senior, unless, by appointment of the Presiding Elder, he be made preacher in charge.[8]

SECTION V.

OF LOCAL PREACHERS.[1]

1. Local preachers are not subject to removal; they choose their own fields of labor, and at their pleasure remain in one place. Secular pursuits are not regarded as incompatible with that amount of ministerial service which is required of them. Thus, supporting themselves, they draw no stipend from the Church. They do not come under those obligations which rest on itinerant ministers, who are responsible to the Annual Conference. They are amenable to the District Conference for their Christian character and the faithful performance of their ministerial duties, and, with official laymen, make up the body of that Conference. For convenient classification, and without reflecting on their office so far as they exercise it, they are reckoned with the laity, in distinction from that portion of the ministry which constitutes the pastorate. Hence, among the

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[8]Baker, p. 94.

[1]See under the head of District Conferences, Chap. I., Sec. 3, fo extended remarks on local preachers, pp. 37 seq.

British Methodists, they are styled lay preachers. Local preachers may be also class leaders and stewards, and, as such, have a place in the leaders' meeting.

Bishop Hedding remarks: "It is an erroneous notion that local preachers have nothing to do in executing the discipline of the Church. If it were so, it would be altogether improper to ordain them. It is true, they are not to preside in the trial of members, except when they are called to take the place of the traveling preachers; but this is the smallest and last act of administering discipline. The local preachers, as well as the juniors on circuits and stations, have an important part of this work to do. They should reprove offenders, reclaim wanderers, instruct ignorant persons, settle disputes between brethren, and reconcile contending parties; and thereby prevent apostasies, crimes, and expulsions, which, in the failure of their care and labor, might scandalize the Church and ruin souls. And, in many instances, the local preachers have a better opportunity than the traveling preachers of performing these parts of the work of discipline, as they are more of the time with the people, are better acquainted with them, and consequently know better when and where to apply the laws of the Church, and prevent scandal and mischief."[2]

2. In the interval of the Annual Conference a local preacher may be employed by the Presiding Elder[3] as "a *supply*" on a vacant circuit, station, or mission, and when so employed he is invested with the full powers of preacher in charge. He may also be appointed to pastoral work by a Bishop holding an Annual Conference.[4] Thus employed, he is entitled to the support of a traveling preacher.

3. A local deacon or elder who enters the itinerancy on trial must pass approved examinations

[2]Hedding, pp. 40, 41. [3]See p. 63. [4]See p. 55.

on the whole Course of Study. (College of Bishops, 1870.)

4. Local preachers "aid" the itinerant "in supplying the people with the ministry of the word"; and this is a "duty" laid down in the Discipline. They should regulate their labors in harmony with their pastor's, and according to a systematic plan drawn up by him. The unity of the work must be maintained. They are, in a sense, his "helpers"; and the preacher in charge is "to control the appointment of all services to be held in the churches in his charge." The Discipline forbids "any traveling or local preacher, or layman to hold public religious services within the bounds of any mission, circuit, or station when requested by the preacher in charge not to hold such services"; and those who disregard such request of the preacher in charge "shall be deemed guilty of imprudent conduct."

When in systematic coöperation with the pastor, local preachers may be authorized by him to do a work which is peculiarly his—not only "to form new congregations," but also "to take a list of the names of all candidates for Church membership," whom they judge to be proper persons; and even, if it be expedient under the circumstances, to "receive them into the Church." It would breed confusion, and worse, if this privilege to receive members should be used by local preachers, not under the direction of the pastor, but independently of him. Therefore the Discipline requires, and makes it a condition of this authority from the pastor, that its results be promptly "reported to him, to be placed immediately under his care."

5. A local preacher who holds an authentic certificate of membership and official status more than twelve months before presenting it to an-

other Quarterly Conference, if he can satisfy the Conference that the delay was unavoidable and necessary, does not on this account forfeit his membership and official standing. (College of Bishops, 1899.)

6. If a local preacher be in orders, and there be rumors seriously affecting his moral and ministerial character, justifying the Quarterly[5] Conference in refusing to pass his character, he ought to desist from all ministerial exercises till the case is finally tried and settled. (College of Bishops, 1870.)

SECTION VI.

OF EXHORTERS.

"Every exhorter, by virtue of his office, is a member of the Quarterly Conference of the charge to which he belongs." His business is not to sermonize—not formally to announce a text and confine himself to the exposition of it. It is less formal. He may "read a Scripture lesson and make a practical application of its leading sentiments to the congregation,"[1] or he may speak without such a specific basis. The prayer meeting is his chosen field. As it is one of the duties of the preacher who has charge of a circuit "to appoint prayer meetings wherever he can," so, as early as 1779,[2] it was made the duty of the exhorter to go by his directions. The exhorter is not subject to the

[5]Since this decision was given the law has been changed, and now it is the District Conference.

[1]Baker, p. 76. [2]Minutes, 1779, Question 7 and Answer.

stricter examination of the local preacher in theological or educational acquirements, nor is the vote for license taken by ballot. It is required, however, that before the Quarterly Conference can entertain his application, he be recommended by the Church where he holds his membership, or by the leaders' meeting.

Several of the questions or tests directed to be applied in "trying those who profess to be moved by the Holy Ghost to preach" imply that they have first been exhorters, and in this tentative office have shown many of the gifts of a preacher, if they have not preached many things in their exhortation. "Have they gifts for the work?" it is asked. "Do they speak justly, readily, clearly? Have they fruit? Are any truly convinced of sin and converted to God by their preaching?"

This office is useful as an introduction into the ministry, and making available the gifts of many who ought never to go beyond it. As early as 1780[3] it was a solemn Conference deliverance that "no one presume to speak in public" without a written license from the pastor, subject to renewal by him after "examination with respect to his life, his qualification, and reception." In 1785[4] it was said: "Let none exhort in any of our Societies without a note of permission from the assistant. Let every exhorter take care to have this renewed yearly." A long time the original license was given by the pastor or the Presiding Elder, on his own judgment; but as the law required—from 1816[5]—that "exhorters so authorized shall be subject to the annual examination of character in the Quarterly Meeting Conference, and have their license annually renewed by the Presiding Elder or the preacher having the charge, if approved by the Quarterly Meeting Conference," the Quarterly Conference now grants that license in the first place, as well as renews it afterwards. Those who are not called to expound God's holy word, but may be useful in this mode of spiritual excitation, should heed the admoni-

[3]Minutes, 1780, Question 10.
[4]Minutes, 1785, Question 69 and Answer, p. 29.
[5]Journal, 1816, p. 168.

tion of the apostle: "Let him that exhorteth wait on his exhortation." (Rom. xii. 8.)

SECTION VII.

OF CLASS LEADERS.

1. A minister is bound *to take heed to all the flock over the which the Holy Ghost hath made him an overseer.* When practicable, he should have personal knowledge of them all, and especially of the state of their souls in religious experience, and of their life and conversation before the Church and the world. If, by reason of the extent of his charge, or the number of souls under his pastoral care, this cannot be done in person, it should be done by proxy. For this object, mainly, class leaders are provided.

"If," says Bishop Hedding,[1] "the leaders cannot, or will not do their duty, let them be changed for others who will be more faithful; and then, if it be necessary, appoint other agents to assist the leaders, so as to be sure and have a report from all the members. Sometimes when females are to be searched out, visited, comforted, exhorted, or reproved, it may be very proper and useful to appoint judicious and pious persons of their own sex to perform that service; and thus the sisters may follow the example of those in the apostolic Church who 'labored with' St. Paul 'in the gospel.'"

2. There can be no class leaders where there are no classes, since they must have been members of the class they are appointed to lead. (College of Bishops, 1899.)

3. The leaders' meeting has no functions assigned it which require it to be held in all our cir-

[1]Hedding, p. 54.

cuits and stations, weekly or monthly; but when held according to the direction of Discipline, it is eminently adapted to promote the interests of the Church. It is composed of the pastor, and the leaders and stewards, and is empowered to recommend suitable persons for license as exhorters.

4. The Discipline does not recognize the office of *assistant* class leader. Though a member may be requested to assist a leader in the discharge of his duties, this does not entitle him to a seat in the leaders' meeting, or in the Quarterly Conference.

5. The class leader, in the absence of the pastor, may not furnish any member about to remove with the usual certificate of membership.[2]

6. Class leaders, as such, are responsible only to the preacher in charge, who may change or remove them at pleasure.

SECTION VIII.

OF SUNDAY SCHOOL SUPERINTENDENTS.

1. The Sunday school is the catechetical institute of the Church, and must be kept under its fostering care and control. It is made the "duty" of pastors to see that Sunday schools be formed in all our congregations where ten persons can be brought together for that purpose. It is also required of him to lay before the Quarterly Conference, at each meeting, to be entered on its journal, a written statement of the number and state of the Sunday schools within its bounds; and he

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[2]Journal, 1854, p. 331.

is called upon for a detailed report of the same at the Annual Conference. "The Quarterly Conference of each circuit or station shall be a board of managers having charge of all Sunday schools within its bounds."

2. The superintendent, if a member of our Church, is, *ex officio*, admitted a member of the Quarterly Conference. He may have one or more assistants; but the Discipline does not know them as members of the Quarterly Conference. A specific rule has been laid down for the election of this Church officer. Analogy and the reason of things indicated that the election should be under the control of the pastor and the Quarterly Conference.

3. A member of another denomination may be elected a Sunday school superintendent in our Church, but such election does not make him a member of our Church, nor a member of the Quarterly Conference. (College of Bishops, 1887.)

4. The Discipline now contemplates the election of assistant superintendents of Sunday schools. If there be necessity for assistant superintendents, the Quarterly Conference should make the election, and not the Sunday school, inasmuch as the Discipline provides that the Quarterly Conference shall be a Board of Managers for the Sunday school. (College of Bishops, 1903.)[1]

SECTION IX.

OF PRESIDENTS OF SENIOR EPWORTH LEAGUES.

The Epworth League is an organic part of the Church, not a mere appendage to it, a society of

[1]See footnote 10, p. 44.

young people affiliated with it. Its General Secretary and Board of Management are elected by the General Conference. The local Leagues are under the direction of the pastor and Quarterly Conference; the president of the Senior League[1] must be confirmed by the Quarterly Conference, and the pastor is required to report upon it in writing to the Quarterly Conference. Its declared purpose is to promote piety and loyalty to our Church among the young people; to educate them in the Bible and Christian literature, and in the missionary work of the Church; and to encourage them in works of grace and charity. The president of a Senior Epworth League, if a member of our Church, is *ex officio* a member of the Quarterly Conference.

SECTION X.

OF SECRETARY OF CHURCH CONFERENCE.

This officer should be selected with especial care, because his duties are of the highest importance, and require peculiar alertness and skill. Besides recording the proceedings of the Church Conference, and giving to the Quarterly Conference all the statistics that are to be reported to the Annual Conference, he has other critical tasks assigned him. He is charged with making and preserving the permanent chronological roll of the Church, containing the full name of each member, with a note of the time and manner of his

[1]Only the presidents of the Senior Leagues are to be confirmed by the Quarterly Conference. (College of Bishops, 1911.)

entrance into the Church and of his departure from it; also a permanent record of the baptisms and marriages within the congregation; and is required to furnish the pastor with an alphabetical roll of the members, which serves an important present purpose, but in the nature of the case changes from year to year. The pastor, in turn, is charged to see that the work is done, and hence should scrupulously and formally report to the Secretary all baptisms and marriages performed by him, and all admissions and removals that occur, whether by certificate or otherwise. Negligence in matters so vital to individuals and to the Church would be highly censurable. Facility in recording and in reading the proceedings adds much to the interest of a meeting; and the calling of the roll, unless done with celerity and in a distinct voice, is likely to become irksome in a large Church, and lead to neglect of the call, a prime contributor to imperfect rolls and inaccurate statistics.

SECTION XI.

OF STEWARDS.

1. Stewards serve three tables—the table of the Lord, the table of the minister, and the table of the poor.

(*a*) They provide the elements for the Lord's Supper.

(*b*) They make the estimates for the support and expenses of the ministry, and take measures, by private and public collections, for paying the same.

(*c*) They inquire into the cases of the needy and distressed, and out of a Church fund raised for that purpose, relieve them.

2. As class leaders have, incidentally, a *financial* function, so stewards have a *spiritual* one. It is their duty to inform the pastor of any who walk disorderly, and "to tell the preachers what they think wrong in them [that is, what they think wrong in the preachers]."

3. A member of one pastoral charge may be elected steward of another pastoral charge. (College of Bishops, 1901.)

4. A person not a member of the Church cannot be elected a steward. (College of Bishops, 1914.)

5. After consultation with the preacher in charge the stewards must estimate his salary and traveling expenses, and apportion the amount among the several congregations composing the circuit. After consultation with the Presiding Elder the District stewards must estimate his salary and traveling expenses, and apportion the amount among the different charges of his District. For this purpose, these two boards should meet early in the year. Informal agreements for allowances and apportionments between ministers and congregations are irregular, unauthorized, and mischievous in tendency.

An Annual Conference took this action:

"*Resolved*, That the district stewards, in apportioning the claims of the presiding elder and the collections ordered by the Annual Conference, shall make the assessment against the various works in proportion to the claims of the preachers upon those works respectively."

The bishop was asked as to the legality of this action. His answer, concurred in, was in these words:

"The law empowering an Annual Conference to adopt

its own method of raising money to pay those who, by the rules and usages of the Church, have claims upon it, has reference exclusively to the collections for superannuated preachers, widows and orphans of preachers, and for bishops. It follows that no Annual Conference has the right to pass mandatory resolutions, interfering with the rights and duties of district stewards or with the stewards of circuits and stations, as laid down in the Discipline on "the support of the ministry." (College of Bishops, 1872.)

6. The apportionments made by the District stewards among the circuits, and by the circuit stewards among the congregations, are not the less obligatory because no representative of the congregation or circuit was present at the meeting when the apportionment was made. They had a right to be there, and should have seen to it.

7. A *District* steward[1] should be elected annually from the board of stewards of each circuit or station. It is his duty to attend the District stewards' meeting, when called by the Presiding Elder, and represent his own board therein, and report.

8. When a Quarterly Conference refuses to elect a person nominated by the Presiding Elder for District Steward, the Presiding Elder is not bound to continue to make nominations until the entire Board of Stewards is exhausted. (College of Bishops, 1907.)

9. The *Recording* steward[2] is not *ex officio* the secretary of the Quarterly Conference. He is the custodian of its papers and records, and should copy into a book the minutes of the Quarterly

[1]The office of District steward was created in 1816. (Journal, p. 150.)
[2]The office of Recording steward was created in 1820. (Journal, p. 234.)

Conference when they have been approved. It is also his duty to report to the Board of Finance of the Annual Conference, an account of the acts of his board of stewards for the preceding year.

10. Stewards are responsible to the Quarterly Conference, which may remove them at any time. It is now necessary that they be annually elected.

A careless or inefficient steward may, without positive opposition, starve out the ministry in the midst of plenty and a willing people; for "no other member feels at liberty to act in his place, without appointment." He stands between the pastor and his support. He is the commissary of the Church militant, and by his nonaction can contribute more to defeat than all the strategy of the enemy. On the contrary, "where energetic and liberal stewards are employed," the Church partakes of their spirit, the congregation devises liberal things, "poverty vies with wealth, and comparatively small and feeble Societies amply sustain the institutions of the Church."[3]

SECTION XII.

OF TRUSTEES.

1. All our Church property, such as preaching houses, parsonages, and cemeteries, held according to Discipline, is vested in a board of trustees, who hold it for the benefit of the members of the Church. "The property of the preaching houses," say Coke and Asbury in their Notes on Discipline,[1] "is vested in the trustees; and the right of nomination to the pulpits in the General Conference, and in such as the General Conference shall, from time to time, appoint." They explain that this division

[3]Baker, pp. 204, 205. [1]Discipline, 1798, p. 40.

of power between the local trustees and the General Conference, whereby the latter become the patrons of the pulpits of our churches, is essential to the itinerant plan: "Without it, the itinerant plan could not exist for any long continuance." The trustees, not actuated by connectional views, and failing to get a favorite preacher, might refuse to open the doors to one regularly sent "to preach and expound God's holy word therein"; and they might procure a form of the gospel, or settle a minister over the people, not only contrary to our polity, but also to our doctrinal standards. Thus would follow schism, heresies, and the alienation of consecrated property from its original purposes.

"In case of a division purely local, in one of the societies for whose use for worship the local property is conveyed and held, the proprietary right is in that party which maintains the true position of subordination and connection, which according to the rules and discipline and authoritative action of the Church, properly belongs to the entire society, and not to that party which, claiming in opposition to the authoritative action of the Church, places itself in an unlawful position, and would, in its enjoyment of the use, defeat that provision of the deed which, by subjecting the use to the rules and discipline, subjects it to the legislation which they authorize." Gibson *et al. vs.* Armstrong, etc. (7 Ben Monroe, p. 496, a Kentucky case.)

2. As the deed of settlement secures the use of the houses to such ministers and preachers as the General Conference may authorize, if the trustees should refuse to open the doors to them, the court would issue a peremptory *mandamus* to admit those who had been duly appointed.[2]

[2]Quoted almost verbatim from Baker, p. 180.

"It is no valid excuse for the trustees to say that a majority of the members of the Church direct them to close the doors, and sustain them in the act: 'They are not chosen to represent that majority,' says the Civil Court, 'but rather to execute the trust of carrying out the intention of those from whose benevolence flow the temporalities put in their charge. If such an excuse will be ever available, where is it to stop? What shall set bounds to its encroachment? And how long will it be before the church, the parsonage, and the school-house, which owe their very existence to the desire of spreading evangelical piety, will be desecrated by the orgies of the heathen in his blindness, or the subtleties of the infidel in his madness? They, from whose benevolence has arisen some pious foundation or some noble charity, may have passed from the stage of life, leaving behind them some such monument of their love for God and man, in the confident expectation that the trust they have confided to posterity will be faithfully executed. Upon what principle can it be justified, that they who now live to enjoy the fruits of the charity of the dead, should be permitted, at their caprice, to control, and perhaps to divert from its original purpose, the endowment which owes none of its support to them? No such principle is known in law or morals. (The People *vs.* Steele, 2 Barbour (New York), pp. 414, 415.)"[3]

3. The preacher in charge is not required to secure the consent of the trustees of church property before appointing a service in any of the churches in his charge, since the law makes it his duty "to control the appointment of all services to be held in those churches." (College of Bishops, 1896.)

4. Trustees can legally protect the Church property against all lawless violence and injury, even if the society has never been legally incorporated; and may maintain an action against the trespasser for the injury which is done.[4]

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[3]Baker, pp. 180, 181.

[4]Baker, pp. 182, 183, quoting Green *vs.* Cady *et al.* (N. Y.), 9 Wendall 414,

5. The board of trustees is amenable to the Quarterly Conference, which has power to remove them at any time. They need not be reëlected annually. The Quarterly Conference must see that all vacancies are duly filled, and that the corporation performs its trust faithfully, and does not transcend its powers.[5]

6. The powers of trustees over a house of worship, deeded to the Church according to Discipline, are limited. They have no right, by virtue of their office, to grant the use of such houses for schools, for courthouses, for political assemblies, and such like.[6] The trust vested in them is for a specific purpose. This requires that they shall defend the title, and keep the property in a suitable condition for the public worship of God. "They have no right to permit such houses to be used for other than the purposes specified in the trust."[7]

7. A Quarterly Conference instructed the trustees to sell a piece of church property. Some of the trustees refused to obey the instructions and to execute the deed. At the next Quarterly Conference the presiding elder declared the offices of the recalcitrant trustees vacant, and the Quarterly Conference proceeded to fill the vacancies.

An appeal was taken from this decision of the presiding elder and the action of the Quarterly Conference to the bishop presiding at the ensuing Annual Conference. The bishop decided that the presiding elder had no right to declare the office of a trustee vacant, but that the Quarterly Conference, having the power to remove a trustee at will,

[5]Quoted almost verbatim from Baker, p. 184. [6]Baker, p. 182.
[7]College of Bishops, 1869.

did legally remove from office the recalcitrant trustees and elect their successors.

The College approved. (College of Bishops, 1911.)

8. The resolution of a Quarterly Conference ordering trustees to mortgage parsonage property to relieve indebtedness for which they are responsible meets the disciplinary requirement of relief to such trustees before their removal from office; but they may demand reinstatement if their successors in office fail to consummate the transaction intended for their relief. (College of Bishops, 1896.)

9. The law calling for nine trustees to hold church property refers, not to the number of trustees in a pastoral charge, but to the separate properties, so that it is proper to elect more than nine trustees in a charge to hold the several pieces of property in that charge. (College of Bishops, 1915.)

10. Questions have been raised in the courts of the land touching the "trust clause" in the deeds to our church property. In the case of Glaze *vs.* Allen (Missouri), it was decided that this trust clause does not limit the fee simple title conveyed, and leaves no right of reversion in the grantor. See Southwestern Reporter, Vol. 213, No. 3, issued August 27, 1919, beginning at page 784.

General Remarks on Church Officers.

While the acts of a superior Church officer would be regular and valid in the place of one of another grade, the harmony and safety of the Church must not thereby be jeopardized; as, for instance, where the same officer becomes liable to preside twice over a committee of trial or over an arbitration—first, in the original trial or arbitration; and secondly, on appeal. Generally, it is best that every one attend to his own work.

Bishop McKendree, in addition to the above, in a circular of instructions "to the preachers and brethren whose duty it may be to execute the discipline of our Church," announced the following "as important principles, closely connected with the administration of discipline, and which should never be forgotten":

"A *Bishop* or *Superintendent*, having the general oversight of the spiritual and temporal concerns of the Church, is, of course, authorized to attend to any and all matters, small and great, in the execution of discipline.

"A *Presiding Elder*, who is, in fact, the agent of the Bishop, is, in virtue of his appointment, authorized to exercise Episcopal authority within the limits of his District (ordination excepted); consequently, it is his business, when present, fully to attend to every part of the execution of discipline.

"The *assistant preacher* [now called the *preacher in charge*] is indeed the Presiding Elder's aid, and has the more particular oversight and care of the circuit or station to which he is appointed.

"The *helper* [now called the *junior preacher*] is one placed on a circuit or station with the assistant [preacher in charge], and is under his direction in anything he may do in the execution of discipline.

"The *class leader* is restricted to his own class; and, if active and zealous, may do much for God and souls in keeping order and discipline therein." (Paine, "Life and Times of William McKendree," Vol. II., pp. 61, 181-184.)

This order and amenability among Church officers involves the power of removal. Being *ministerial* rather than *judicial*, the removal is summary and without trial. The class leader becoming unpopular or inefficient, the pastor changes or removes him. The pastor, having rendered himself unacceptable where he is, or exigent need being developed for his services elsewhere, is changed by the Presiding Elder to another circuit within his District; or he is removed from being preacher in charge, and made the junior. The Presiding Elder, on account of doctrinal unsoundness, or physical infirmity, or social disability, or other cause, is removed by the Bishop from the oversight of the District, and another put in his place; and all this, even in the midst of the ecclesi-

astical year. The Bishop is accountable to the General Conference, before which he may be complained of for executive or moral improprieties, and be reproved, suspended, deposed, or expelled. It was well said by L. L. Hamline in the General Conference Debates of 1844:[8] "We believe there are good and sufficient reasons for granting this high power of removal to those who exercise it. It promotes religion. It binds the Church in a strong and almost indissoluble unity. It quickens the communication of healing influences to the infected and the enfeebled parts of the body ecclesiastical. In a word, it is a system of surpassing energy. By it executive power is sent in its most efficient form, and without loss of time, from its highest sources or remotest fountains, through the preachers and class leaders, to the humblest member of the Church. The system is worthy of all eulogy."

[8]Debates in the General Conference of 1844, p. 129.

CHAPTER III.

CHURCH MEMBERSHIP.

SECTION I.

RECEIVING MEMBERS.

1. It is the duty of the pastor to receive members. The right of preaching the gospel is the primary one in the ministry; closely connected with this is that of administering the sacraments. The command to go and disciple all nations implies bringing the converts into the Church. When a missionary goes forth and makes converts under this commission, where there is no Church—not even a single member—how are they to be received into the Church unless by him who was instrumental in their conversion? They cannot admit themselves, and unless he does it, it cannot be done at all. The sacrament of baptism, the door of entrance into the visible Church, is administered by him; and Christ has set his ministry to keep that door, opening it to the worthy, and closing it against the impenitent.[1]

2. Though "membership in" the "Church should never depend upon the result of a vote,"[2] the laity may be brought into advisory coöperation in admitting suitable persons; and a prudent minister will avail himself of their judgment and counsel, where he has them at hand. The pastor is not simply the agent or executive of the Church committed to his care; but while he may not be com-

[1]Henkle, "Analysis of Church Government," p. 47. [2]Baker, p. 24.

pelled, against his own convictions, to baptize a man, Christian expediency suggests a liberal course of proceeding in this matter, and the general practice is in accordance with it. It has seldom been known in this Church that an application for membership has been disposed of in a manner contrary to the judgment of the Society or the leaders' meeting.

"Glory be to God, *all* our Societies throughout the world . . . have been raised, under grace, *by our ministers and preachers!* . . . We would sooner go again into the highways and hedges, and form new societies as at first, than we would give up a privilege so essential to the ministerial office and to the revival of the work of God." "Besides, the command of our Lord (Matt. xxviii. 19), 'Go ye and teach all nations, *baptizing* them,' etc., is addressed to *pastors only*, to his disciples, and through them to all his *ministering* servants to the end of the world. But if ministers are to be the judges of the proper subjects of *baptism*, which is the grand initiatory ordinance into the visible Church, how much more should they have a right to determine whom they will take under *their own* care, or whom God has given them out of the world by the preaching of the word. . . . Thus it is evident, that both reason and Scripture do, in the clearest manner, make the privilege or power now under consideration essential to the gospel ministry." (Coke and Asbury, "Notes on Discipline," Discipline, 1798, pp. 75, 76.)

3. "When persons offer themselves for Church membership," the law does not require that the preacher in charge immediately "receive them into the Church." Often this would be highly inexpedient. They are candidates for membership while "inquiry is made into their spiritual condition," their acquaintance with, and willingness to keep, the rules of the Church, and also

[3]Henkle, pp. 49, 50.

into the genuineness of their faith. "Six months on trial," as a prerequisite of membership, and the return in the annual statistics of a certain class as "probationers," were abolished by the General Conference in 1866;[4] but this does not dispense with the observance of those precautions necessary to "prevent improper persons from insinuating themselves into the Church."[5] No one can demand to be brought at once, upon application, "before the congregation," and formally invested with all the privileges of Church membership—though there might be occasions when the preacher in charge could safely and properly do this.

Generally it will be found to work well for the preacher in charge to receive candidates for Church membership frequently, reserving their formal reception to special seasons —as quarterly meetings, church meetings, love feasts, or set days of celebrating the communion. In the meantime, all diligence should be used in the examination, instruction, and preparation of the candidates for the vows and relations they are to assume. During the candidacy for membership, be it longer or shorter, opportunity is given for making known objections and impediments. There is a right of challenge in the very act of "bringing a candidate before the congregation" in order to his reception; and any member who has not had previous opportunity, if he knows impediment to his admission, ought then to declare it.[6] This, however, would not throw the matter into a public debate, nor imply a settlement by a majority vote. When impediment is alleged, the reception should be postponed, and such measures be adopted as will secure the peace and purity of the Church.

4. One who has been duly expelled from the

[4]Journal, 1866, p. 97, compared with Discipline of 1859, p. 110.
[5]Discipline, 1859, Chap. II., Sec. 1, p. 109. [6]Baker, p. 24.

Church, and has given proper notice of appeal to the Quarterly Conference, cannot, pending his appeal, be restored to membership. One who has taken an appeal is at liberty to abandon it, but such abandonment leaves him in the same attitude as if the Quarterly Conference had affirmed the decision of the Committee of Trial. (College of Bishops, 1876.)

SECTION II.

REMOVALS—CERTIFICATES.

1. Every member in good standing, removing to another station or circuit, is entitled to a certificate from the pastor, by which his membership also may be removed. If the pastor withhold the certificate on the ground of complaints or charges against the member, he must proceed to an investigation of the case, according to rule. If the member be willing and ready to be tried, the preacher is guilty of maladministration unless he proceed with the trial.

In 1860 a member applied to his pastor for a "certificate." It did not appear that he intended to remove his membership to another circuit or station, and he declined to say what use he intended to make of the certificate. Whereupon the pastor declined to give it. The Presiding Elder overruled the pastor's decision. The case coming before the Bishop presiding over the Conference, he sustained the pastor.

2. The preacher in charge must furnish the certificate. The class leader is not authorized to do it, even in the pastor's absence.[1]

3. It is not optional with a preacher in charge

[1]Journal, 1854, p. 331.

of one Society within this Church, whether he will receive the certificate of a member residing within his limits, duly drawn up and signed by the pastor of another Society. The Church is one, and the certificate must be honored wherever presented.[2] If it is known that the person presenting the certificate has been guilty of immorality or crime, it would be no bar. The certificate should be received, and the person be, in due form, put upon his trial.

4. The General Conference of 1874[3] fixed twelve months as the limit of the validity of a certificate, unless the holder show good cause why it was not sooner presented: otherwise, the holder shall be regarded as having withdrawn from the Church. Previous to 1874 no limit had been defined.

5. Unless the Church Conference authorize it, the pastor may not erase or strike off the names of any who have removed without certificate; but he should record the fact that the person removed without certificate.

6. The preacher in charge should not give a "certificate" to any member unless the member wishes to use it in transferring his membership

[2]"It is not optional with the preacher whether he will receive a certificate from a member residing within the limits of his charge. If the certificate is drawn up in full form, and signed by the constituted authority, it must be honored. (Baker, p. 80.) This principle inherent in the law and established by the custom of our Church from the beginning was specifically set forth in a *decision* of the General Conference of the M. E. Church in 1860: "Is a preacher in charge *obliged* to receive a properly authenticated certificate of a member when he is aware such reception would disturb the peace and quiet of the Church? *Answer.* It is the duty of the preacher to receive all such certificates." (Journal, 1860, p. 298; R. J. Cooke, "The Judicial Decisions of the General Conference of the M. E. Church," pp. 99, 100. See also Merrill's "Digest," pp. 41, 45.)

[3]Journal, 1874, pp. 439, 588.

from one circuit or station to another in this Church. But he may, as a matter of courtesy, give a statement of standing and character to a member who formally withdraws, in order to unite with another evangelical denomination.[4]

7. When a member receives a certificate, he is responsible for his conduct, from the date of it, to the Society receiving him upon that certificate. While he holds it in his own possession, he cannot be brought to trial upon any charge or complaint; or claim any privileges of Society. In certain circumstances the cause of religion may require that the position of such a person be published to the world.

SECTION III.

WITHDRAWAL.

1. "The right of ecclesiastical expatriation from any one branch of the Christian Church to any other which may be preferred, for grave causes, we have never denied. Nor can we keep, nor are we desirous to keep, any man subject to our authority one moment longer than it is his own pleasure." (General Conference, 1828.)[1]

2. If a member, who has discharged his obligations, wishes to withdraw, the Church cannot prevent it or favor it, but may consent to it. The act is his own, and responsibility must rest upon him. The Church may labor to show him his error; but, if he persists in his determination, must ac-

[4]Quoted almost verbatim from Baker, p. 78.

[1]Bangs, "History of the M. E. Church," Vol. III., pp. 419, 420.

quiesce. He is entered as *withdrawn*, on the Church register. He is no more subject to its discipline. The entry is a history of the manner of the dissolution of the Church covenant. It shows that it was on his own motion, and not by or under ecclesiastical censure or necessity.

3. None can withdraw unless in some way the Church has had opportunity to recognize the withdrawal. A covenant cannot be dissolved until both the parties to it are duly notified. The admission of the right to withdraw at option, without notice to the Church, would operate most injuriously to the maintenance of wholesome discipline and sound morals.[2]

4. If a member renounces the communion of this Church, by joining another denomination without respectful notice to the pastor or Church authorities, the irregularity should be recorded and the name erased without further notice. But if charges are pending against him, they may be prosecuted. And "if the authorities of the Church should proceed and expel a member who had violated his Church covenant and declared himself beyond the pale of the Church, they would be protected by the civil law, provided their process was in accordance with the rules of the Church. The Church must decide when its purity and influence demand the expulsion of disorderly members from its communion."[3]

5. A member who absents himself from the congregation, neglects to attend to his duties, etc.,

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[2]Baker, p. 35. [3]*Ibid.*, p. 39.

does not thereby *withdraw*. He is still amenable to the laws of the Church, and its discipline should be exercised for his moral recovery.[4]

SECTION IV.

RESTORATION.

1. When a person has been expelled, or otherwise has lost his membership, and wishes to return to the communion of this Church, it is not proper that he should be received with the formalities required in the case of those who apply for reception by baptism or by profession.

2. In the case of an excommunicated person, satisfactory evidence of repentance must be given; and the pastor must report to the Church his restoration, and the grounds thereof. The pastor should act with great caution in such cases, taking counsel with the leaders' meeting whenever practicable, that the peace and purity of the Church may be preserved.

3. If at any time after the expulsion of a member the Quarterly Conference shall become convinced that he was innocent of the offense for which he was expelled, he may be restored by a statement of the case, and an announcement of the fact to the Church.

4. No person expelled from one Society in this Church can be received into another, without giving satisfaction to the Society from which he was expelled.

[3]Baker, p. 37.

CHAPTER IV.

ADMINISTRATION OF DISCIPLINE.

SECTION I.

JUDICIAL PROCEEDINGS.

1. THE objects of discipline, in investigations and trials, are the following, to wit: to rebuke offenders, to remove scandals, and vindicate the character of the Church; to clear the innocent, to reclaim the erring, to promote purity and peace in the membership, and the spiritual welfare of the offenders themselves. When properly administered, it frequently proves an effectual means of grace.

"The church's arms were spiritual, consisting of admonitions, excommunications, suspensions, and such like, by the wielding of which she governed her members, and preserved her own peace and purity. Now this is that which is called discipline, which is absolutely necessary to the unity, peace, and being of the church; for where there is no law, government, or order, that society cannot possibly subsist, but must sink into its own ruins and confusions." (Lord King's "An Inquiry into the Constitution, Discipline, Unity, and Worship of the Primitive Church," Edition of 1841, p. 106.)

2. So far as trials are concerned, the Church is divided into four classes: private members, local preachers, traveling preachers, and Bishops; and distinct committees and different degrees of responsibility are established for each.

3. The one who proceeds against the offender is always the Church whose laws have been violated, whose purity is to be maintained, and whose duty toward delinquents is to be discharged. The person conducting the trial represents the Church, and in that capacity has all its rights in the case. He, as the Church representative, is to be considered the party on one side, and the accused the party on the other.[1]

"No person," says Bishop McKendree, "ought to be permitted to *come forward* in the character of a *prosecutor*. Such a character is not known of in all our economy. The *accuser* is to be brought face to face with the accused. If this cannot be done, 'let the *next best evidence* be procured'; consequently, the accuser is the very best evidence in the case. An aggrieved person may be a *complainant*, but our Discipline does not recognize any one as an accuser unless he be a witness in the case against the accused."[2]

4. It is a constitutional principle that no member can be deprived of membership without a trial before the Church or by a committee, with privilege of appeal. It is not in the power of the Quarterly or Annual or General Conference to do away with these privileges.[3]

"Mr. Wesley, and the preachers of his day, believing that the New Testament makes the pastor responsible to Christ for the purity of the flock, judged accordingly, that it was their right and duty to decide on the guilt or innocence of an accused member; and that the act of retaining or of rejecting such members being one for which the minister must answer to the Head of the Church, the decision of that

[1]Henry and Harris, p. 89.
[2]Paine, "Life and Times of William McKendree," Vol. II., p. 186.
[3]Fifth Restrictive Rule.

question ought not to be left to laymen, as they are not held amenable to the Judge of all for it. And they acted on that principle. So does the Wesleyan Connection to this day. Our fathers coming from England to this country brought with them the same opinion, and administered accordingly; hence, up to the commencement of the [nineteenth] century, the preacher in charge was the sole judge of the guilt or innocence of all the members. And if the opinion can be maintained by the Scriptures beyond a doubt, the practice should consequently follow. But, if that be considered one of the questions in church government not clearly settled by the word of God, but left as a question of expediency, to be decided by the Church, then different religious communities may decide differently, and may act on either principle and yet be innocent. Our Church seems to have embraced the last-named opinion, when she adopted the present rule." (Hedding on Discipline, pp. 59, 60.)

5. The power of excommunication, as inhering in the history by the original charter, has been contended for on the ground that the power to do implies the power to undo; the right to admit into the Church implies the right to expel. But the two powers are not coincident, and do not rest on the same ground. The reception of members has often to be performed where there is no membership which can be called into coöperation; but excommunication can take place only where there is a Church and membership already existing, who may coöperate with the minister in the delicate work of depriving one of privileges with which he had been invested. Paul moved the Corinthian Church to put away an infamous offender. And in the case of a personal offense, Christ commanded, in the last resort, "*Tell it unto the Church.*"

The practice of the Primitive Church for the first three

centuries, as set forth in the researches of Lord Chancellor King, was according to this rule: "As for the judges that composed the consistory or ecclesiastical court, before whom offending criminals were convened, and by whom censured, they will appear to have been the whole church, both clergy and laity." (Lord King's "Primitive Church," p. 109.)

6. No minister or private member against whom charges of crime or gross immorality are pending, or who has confessed them, can claim the right to evade trial or dismiss the bill of charges by withdrawing from the Church. The unsound member that cannot be cured must be cut off, and not allowed to rot off. The expulsive power is one proof of the vitality of the ecclesiastical body. As in the preaching of the word the wicked are doctrinally separated from the good, so by discipline the Church authoritatively separates between the holy and the profane. Having endured the scandal of their lives, the only vindication of the Church that is sometimes left, is this last and strongest testimony against evildoers, by a judicial sentence of excommunication.[4]

7. The constitution of a Church committee, to determine the guilt or innocence of accused members, does not divest the pastor of great and peculiar responsibilities. With him remain those preliminary measures so effective in checking evil and in guiding the course of discipline. He is charged with the duty of universal oversight—of taking heed to all the flock. Process begins and issues under his authority. He constitutes committees, issues notices, presides in trials, deter-

[4] Journal, 1866, p. 95.

mines questions of law arising therein, and pronounces censure upon those whom the committee of trial has found guilty.

The obligation of pastors to institute a course of investigation and trial when necessary, without waiting to be urged by a complaint, is thus set forth by Bishop McKendree:

"The preacher who has the oversight of a district, circuit, or station, is equally bound, as a Christian with other Christians, to deal with erring members of his acquaintance; and as an officer whose duty it is to see that the Discipline is enforced, he is under much stronger obligations to do so. Therefore, to wait for an accuser to present a formal charge, before he will act on a case of which he has knowledge, or is sufficiently informed, is of ruinous tendency. Surely other Christians have as much right to connive at the conduct of disorderly members as the spiritual overseer has! So far, therefore, as such conduct is followed, disorderly members lose the benefit of Christian counsel, correction, and reproof, and discipline will soon become a useless thing."[5]

8. The privileges of trial and appeal are guaranteed to our ministers and preachers. When it is enumerated among the duties of a Bishop "to suspend preachers in the intervals of the Conferences as necessity may require," and when, in his absence, the same is made the duty of the Presiding Elder, it is added—"as the Discipline directs."[6] This censure must be dealt, if at all, according to laws made and provided.

9. No professional counsel, as such, should be allowed to appear and plead in any Church investigation or trial. An accused person may be assisted or represented before the Society or a

[5] See also Henry and Harris, p. 88.

[6] These words were inserted in 1804, and by the same General Conference these same words were added to the "duties of a Bishop." (Journal, 1804, pp. 53, 54.

committee by another member, or before the Quarterly or Annual Conference by any member of the Conference. A member, after pleading in a case, should not be allowed to sit in judgment on it.

10. Before a committtee of investigation the accused is not entitled to counsel. (College of Bishops, 1889.)

11. The counsel of a member of an Annual Conference who is being tried must be a member of the Conference. (College of Bishops, 1898.)

12. "The right of religious societies to inquire into the conduct of their members, to pass votes of expulsion, and to record their proceedings against those who violate their covenant relations, has been fully recognized by the civil tribunal: nor will courts of justice inquire whether the conduct of the aggrieved member merited such discipline, provided that the proceedings of the Church were according to the established usages of the denomination, and done in good faith, without malice. And even if the case has been submitted to a jury, on the trial of the indictment against the accused, and the evidence considered insufficient by them to convict him of the crime in question, it serves as no bar to the religious society investigating the case *de novo*, according to its established regulations."[7]

As to civil courts interfering with ecclesiastical prodecure which is in accordance with the constitution of their religious body, all jurists concur with Lord Justice Clerk Hope, who said, in the case of Sturrock *vs.* Gregg, in 1849:

[7] Baker, pp. 87, 88. Ref. to Jarvis *vs.* Hatheway, 3 Johnson (New York), pp. 180-183.

"In matters clearly within the cognizance of Church officers or courts, as subjects of Church censure, when the Church judicatory is thus exercising the government so intrusted to it, its judicatories and ministers are not amenable to the civil courts of the country in damages for alleged wrong. They have been trusted as a separate government. The declaration of the authority under which they act (viz., the appointment of the Lord Christ) assumes that it must be separately administered—free from subjection to civil courts."

Lord Medwyn said in the same case: "In every country in Christendom there are Church courts as well as civil courts; while the jurisdiction of the latter embraces all acts done by one member of the State to another, and to redress all wrongs done and suffered in that character; within the cognizance of Church courts are all matters of Church discipline, founded on the conduct of the members, leading to many delicate inquiries into character, and which it is the duty of the office-bearers to inquire into *according to forms prescribed.* In discharge of this important duty, and while acting in their ecclesiastical character, the civil court can have no right to interfere with them."[8]

In disputes about Church property the civil court must sometimes enter into questions of doctrine and discipline; not as true or false, but as facts identifying rightful claimants.

SECTION II.

ACTIONABLE OFFENSES.

1. Offenses are distinguished as personal and general.

[8] See also Chase *et al. vs.* Chaney, 58 Ill. 533: "We have no right, and there fore will not exercise the power, to dictate ecclesiastical law. We do not aspire to become *de facto* heads of the Church, and by construction or otherwise abrogate its canons and laws. We shall not inquire whether the alleged omission is an offense. This is a question of ecclesiastical cognizance. This is no forum for such adjudication. The Church should guard its own fold, enact and construe its own laws, enforce its own discipline, and thus will be maintained the boundary between the temporal and spiritual power.

(*a*) Personal offenses are those committed by one member against another, which may be accommodated privately, without disturbing the fellowship, or compromising the character, of the Church: as injuries—real or supposed—done to person or property, character or feelings.

(*b*) General offenses are heresies, irregularities, immoralities —whether private or public—which may have been committed against no one in particular, but are of concern to all who are jealous for the honor of Christ, as injurious to his cause, reproachful to his gospel, a scandal and stumbling-block.

2. There is a course which *personal* offenses may run, and thus become *general*. Every such offense becomes general when it claims the attention of the Church as a body, and comes before it for adjudication. When a member has thus referred a private difficulty which he has failed to settle, and the Church has taken cognizance, the matter is no longer in his hands, and the sentence is equally binding upon *both* parties. The accused may be acquitted of wrong; or he may make such confession and reparation as is required by the Church, thus "hearing the Church."

3. Personal offenses cannot become subjects of Church discipline till the directions given by Christ for settlement and reconciliation are complied with: "Moreover, if thy brother shall traspass against thee, go and tell him his fault between thee and him alone: if he shall hear thee, thou hast gained thy brother. But if he will not hear thee, then take with thee one or two more, that in the mouth of two or three witnesses every word may be established. And if he shall neglect to hear him, tell it unto the Church." (Matt. xviii. 15-17.)

Investigating committees should be satisfied that those who publish grievances, and urge them to ecclesiastical adjudication, have first tried these divinely prescribed preliminary measures; if they have not, the complainants themselves are offenders.

4. "It does not destroy the actionable nature of an offense that the predecessor of the administrator, though acquainted with the facts, took no legal notice of them." Arrest of character "depends upon the fact whether it is a violation of the moral law and Church covenant, and not upon whether the previous administrator has done his duty."[1]

5. Charges of immorality against a traveling preacher may be made, even though his accuser has allowed one or more sessions to pass before bringing the accusation. (College of Bishops, 1889.)

6. "Any crime committed within the time in which the accused has been a member of the Church is" actionable; "but it cannot extend to any period beyond membership. Charges of immorality against preachers should not be restricted to the time in which they have been in the ministry, but may extend to any time within their Church membership."[2]

7. Offenses that are proper objects of judicial process may be divided into four classes, according to the nature of process provided.

I.—Improprieties and Imprudences.

(1) This class may be presented under **two** divisions:

1Baker, p. 97. 2Baker, p. 96. Henry and Harris, p. 94, put a caution there.

(*a*) Indulging improper tempers, words, or actions. (This relates to ministers.)[3]

(*b*) Indulging improper tempers, words, or actions, or disobedience to the order and discipline of the Church. (This relates to members.)[4]

(2) This class of offenses, whether in ministers—local or traveling—or in private members, does not come to trial by the first act. It is charitably hoped that these improprieties, imprudences, and neglects are the exceptions, and not the rule, of conduct; that they spring from ignorance, inadvertence, or other infirmity, and are not the indication of fixed character; and that they will yield to godly advice, warning, and entreaty. If there is confession of the fault, and amendment, the end of discipline is gained.

(3) Should a second transgression take place, the Church officially repeats the warning and exhortation, but this time with increased force and formality. The two or three faithful friends are calculated, by their united representations, to carry home conviction of his fault to the offender, and by their joint influence to dissuade him from his course. This is their office and effect, as well as to bear testimony to his temper and behavior, should he finally be brought to trial. It should be borne in mind that these preliminary measures are not in order to make sure work of the trial when it comes—to make the bill of charges stick—but, if it be possible, to prevent a trial. And often,

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[3] Indulging improper tempers, words, or actions, he "shall be reprehended by his senior in office. If the offender be not then cured," etc. (Discipline.)

[4] Let private reproof, etc. (Discipline.)

at this stage of Church labor, forbearance is repaid by the reclamation of the offender.

This reprehension of an offender, and waiting on him once, and twice, with an increased deputation, before instituting a formal trial, is not to be confounded with the preliminary measures in Matthew xviii. 15-17, though there are points of similarity in form and influence. *This* is official; *that* is personal. This is discipline passing through its several stages; that is before discipline has begun.

(4) "If then the offender be not cured," in the case of a minister, there is painful presumption of pride that will not be reproved and of contumacy or incorrigible depravity that disregards covenants and government. The offense must be abated or the scandal removed. A formal investigation and trial must ensue. Even there, though convicted, if the offender show a proper penitence and humiliation, he may be borne with, and saved from the expulsion to which he is liable. Forgiveness may be exercised, and a repentant brother retained in the Church. "But if he repent not, he hath no more place among us. We have delivered our own souls."[5]

It is to be observed that ministers have their trial for *this* class of offenses before the Annual Conference. They cannot, as in some other cases, be called before an investigating committee and suspended, in the interval of Conference. And further, in this case of trying a preacher no committee of investigation is necessary, as where immorality is charged.

(5) Inasmuch "as trying and expelling members are the last acts in the administration of discipline, to be resorted to only when all other gospel measures fail, all possible Scripture means

[5] The General Rules.

ought first to be employed to bring the offender to repentance and reformation. Hence," the pastor "should remember the covenants in which he promised before God and his Church . . . 'to take heed to all the flock over the which the Holy Ghost hath made him overseer,' 'to use both public and private monitions and exhortations, as well to the sick as to the whole, within his charge, as need shall require, and occasion shall be given.'"[6]

II.—Heresies and Dissensions.

(1) This class may come under two heads:

(*a*) Holding and disseminating, publicly or privately, doctrines which are contrary to our Articles of Religion. (This relates to ministers.)[7]

(*b*) Sowing dissension in any of our Societies by inveighing against either our doctrines or discipline. (This relates to ministers and members.)[8]

(2) No one can be licensed as a local preacher, or recommended for admission on trial as a traveling preacher, or for ordination, without first passing "an approved examination"[9] on the subject of doctrines and discipline. In the subsequent stages of advancement in ministerial orders, in his reception into full connection, and before the committees on the course of study appointed for

[6] Hedding, p. 52.

[7] Under report of holding and disseminating, publicly or privately, doctrines which are contrary to our Articles of Religion, "the same process shall be observed as in case of immorality; but if the preacher so offending solemnly engage not to disseminate," etc. (Discipline.)

[8] "If a member of our Church endeavor to sow dissension in any of our societies by inveighing against either our doctrines or discipline, such person offending shall first be reproved by the preacher in charge; and if there be persistence," etc. (Discipline.)

[9] See note 35 on p. 32.

undergraduates, the subscription to the doctrines and discipline of this Church is, in various forms, repeated. The Church has a right, therefore, as well as a high interest, to hold her ministers to account for "all erroneous and strange doctrine contrary to God's word," as interpreted by her standards.

"It will, we believe, be allowed by all who love the truth as it is in Jesus, that the heretical doctrines are as dangerous, at least to the hearers, as the immoral life of a preacher: and, therefore, the same process is provided for both cases. Those must indeed be blind, who can sit for any time under the ministry of an Arian, Socinian, Universalian, or any other heretical minister. And if the blind lead the blind, etc. . . But as we would guard against a hasty and arbitrary measure, in a matter which sometimes, perhaps, it may be difficult to determine, the case alluded to at present shall lie over to the yearly Conference, if the preacher be perfectly silent, in public and private, on the subjects objected to. But if he will go on to dishonor Christ, or to oppose the doctrines of holiness, or to introduce novel sentiments, or vain jangling, an immediate stop must be put to such dangerous, such pernicious proceedings." (Coke and Asbury, Notes on Discipline.)[10]

The law in this case has been changed in some words, but is substantially as it was when first enacted in 1792.

(3) In the matter of heresy and doctrinal errors, it ought to be considered charitably, whether they strike at the vitals of religion or not; whether they be silently held, or industriously and pertinaciously spread; or whether they arise from the weakness of the human understanding, and are not likely to do much injury.

The minister or preacher committing this offense is liable to be called before a committee of trial in the interval of the

[10] Discipline, 1798, p. 113.

Conference, as in case of immorality, and *suspended;* but if upon being convicted by the committee, and admonished, he engages not to disseminate, publicly or privately, these erroneous doctrines, no further action need be taken in his case, till it can be laid before the Annual Conference. Or if, when the offender has been summoned before a committee, he satisfies them that he will be silent on those points, he may be borne with till Conference shall determine his case.

(4) The Church, in the case of all its members, has a duty and a right to protect its peace and integrity against those within its pale who endeavor to sow dissension by inveighing against its moral discipline, and to cut off those who persist in troubling it. Those who have entered its communion did so voluntarily, after giving satisfactory assurances of the genuineness of their faith and their willingness to keep the rules of the Church.

This rule [which has been in the Discipline since 1792] was not meant "to suppress free inquiry"; "it is aimed against *licentiousness,* and not against liberty." "Our ministers and members, of every class, are entitled to the full liberty of speech and of the press, equally with any other citizens, . . . subject solely to the restrictions and responsibilities imposed by the laws of the land, by the obligations of Christianity, and by the existing regulations under which we are voluntarily associated as Methodists and as Methodist ministers. The design of the rule was to guard the peace and union of the Church against any mischievous false brethren who might be disposed to avail themselves of their place in the bosom of the Church to *endeavor to sow dissensions,* by *inveighing* against our doctrines or discipline in the sense of unchristian railing or violence. Any other construction of it we have never sanctioned, nor will we." (General Conference, 1828.) [11]

[11] Not published in the Journal, but to be found in Bangs, "History of the M. E. Church," Vol. III., p. 425; Paine's "Life of McKendree," Vol. II., pp. 109, 110.

Analogy shows that this case, like the other of the same grade, is to be proceeded with as an immorality; that after being "clearly convicted," the offender is entitled to official reproof and admonition; and if he will cease from his pernicious practice, he is to be borne with; if he will not engage to do so, he must be expelled.

III.—A Breach of Ministerial Vows.

(1) Every gospel minister—local and traveling—is ordained to do a certain work, and comes under covenant engagements and vows accordingly. He may prove so inefficient in this work, and so unfaithful to these vows, as to incur judicial process, whereby he may be put out of the Conference and still left in the ministry, or put out of the ministry and still left in the Church. This class of offenses comes under three heads:

(*a*) A traveling elder or deacon refusing to attend to the work assigned him, unless in case of sickness or other unavoidable cause, or ceasing to travel without the consent of the Annual Conference.[12]

(*b*) Unacceptableness, inefficiency, or secularity, so as to be no longer useful in the itinerant work.[13]

(*c*) A deficiency in gifts, labors, or usefulness of a local preacher, such as to render him no longer a proper person to be retained in the ministry.[14]

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[12] What shall be done when a preacher refuses to attend to the work assigned him? He shall be liable to suspension or deposition from the ministry, unless he have the consent of the Bishop who made the appointment, or is in charge of the work; and the final determination in all such cases shall be with the Annual Conference. (Discipline.)

[13] When a traveling preacher is under report of being so unacceptable, inefficient, or secular as to be no longer useful in his work, the Conference to which he belongs shall investigate the case; and if, etc. (Discipline.)

[14] To hear complaints. To take cognizance of all the local preachers within the District, and annually inquire, by committee or otherwise, touching their development in Christian life, their progress in literary and theological studies, and their success in Christian work, etc. (Discipline on business of District Conference.)

(2) Trials or investigations of this class are more or less formal, and a conviction may draw after it various degrees of censure. Ministerial, rather than Christian, character; official, rather than personal, relations are, for the most part, involved; and censure may not only be modified, but entirely escaped, by satisfactory explanations, or assurances of amendment, after conviction of the fact.

This discrimination is not unknown to Methodist discipline. In 1800 the law required "every local preacher" to have his name enrolled on a class paper and meet in class, or in neglect thereof, he "shall forfeit his license."[15] In 1812[16] the penalty was changed to the following, and so stood till 1866:[17] "The Quarterly Meeting Conference, if they judge it proper, may deprive him of his ministerial office." In 1816[18] this law was enacted: "No preacher shall distill or retail spirituous liquors, without forfeiting his license." In 1836,[19] "No elder, deacon, or preacher among us shall distill or vend spirituous liquors without forfeiting his official standing." The well-known "tenth section"[20] recognized the principle that a traveling preacher might "forfeit his ministerial character in our Church," and yet remain a member of the Church.

IV.—Crime, or Gross Immorality.

Every minister and member is liable to investigation and trial for any crime expressly forbidden in the word of God. In the case of such offenses,

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[15] Journal, 1800, pp. 40, 41. The words "meet in class" are not in the Journal of 1800, nor in the Discipline of 1798 ("the tenth edition"); they occur in the Discipline of 1801, p. 42 ("the eleventh edition").

[16] Journal, 1812, p. 117.

[17] Journal, 1866, p. 118.

[18] Journal, 1816, p. 168; "license" in the Journal, "official standing" in Discipline, 1816, p. 70.

[19] Discipline, 1836, p. 69.

[20] Discipline, 1801, p. 63, omitted in Discipline of 1854.

no Church labor is necessary before the presentation of charges. And if the accused be clearly convicted, or in the course of the trial should make confession, however penitent he may be, censure, suitable to the case, must be inflicted.

SECTION III.

ECCLESIASTICAL CENSURES.

The censures which may be awarded by the Church are, reproof, suspension, location, deposition, and expulsion.

I. *Reproof* is an official rebuke for delinquency found, a formal warning of an offender of his error and danger, accompanied with an exhortation to amendment.

II. *Suspension*, as it respects private members, is a temporary exclusion from the Lord's Supper, and from all other privileges of Church membership. As respects ministers, it is the temporary exclusion from all ministerial offices whatsoever.

(1) Suspension should be limited by time or terms; therefore the sentence must specify when or on what terms the penalty shall cease.

(2) An Annual Conference cannot suspend a member for a term longer than a year.

(3) "When a preacher has been tried in an Annual Conference, and suspended for one year, the Conference cannot at the expiration of that time expel him for the same offense, or continue the suspension for another period. When a member has suffered the punishment which was adjudged

by the conference at the time of his trial, he is deemed clear by the law." (Hedding.)[1]

It should always be inquired at the expiration of the time, and before declaring the censure of suspension removed, whether it has been properly observed and submitted to. If it has not been, the member is not only not clear by the law, but has added to his offense, and may be expelled for contumacy.

(4) A minister under suspension is not only silenced as a preacher, but is enjoined against performing any function of his office—as the administration of baptism, or the Lord's Supper, or the celebration of the rites of matrimony. He is temporarily deposed, nor are any acts of his as a minister lawful, until he is absolved of that censure.

(5) A preacher suspended by a committee in the interval of the Annual Conference, or by a previous Conference, has no right to vote on any question at the ensuing session, until his character has been examined and passed—his suspension thus being removed.

(6) The same rule of suspension holds good in a District Conference. The suspension of a local preacher cannot go beyond the next session; it suspends all his official functions while it lasts; if submitted to during the period it is laid, it forestalls other censure for that offense; and it is formally removed by the passage of character.

(7) The suspension of a private member, if he be a member of a Quarterly Conference, does not

[1] Quoted by Baker, pp. 157, 158.

ipso facto vacate his office, but it suspends all his official functions.

(8) If within "thirty or sixty days" of the meeting of the Annual Conference a committee of investigation in the case of a traveling preacher judge a trial necessary, the accused shall be suspended until the next session of the Annual Conference of which he is a member. Otherwise the Discipline provides for suspension and trial *ad interim*. The committee shall formulate a bill of charges and specifications against the accused, and shall present to him a copy a sufficient length of time before the session of the Conference, or if *ad interim*, "in not less than thirty nor more than sixty days," to enable him to make preparation for his trial. They shall also appoint some member of the Conference to act as counsel for the Church before the committee of trial at the session of the Conference.

(9) A Committee of Investigation found a trial necessary and suspended a traveling preacher. It is not lawful to have a reinvestigation and find no trial necessary, and thus cancel the suspension. The case having proceeded so far should have gone to a Committee of Trial. (College of Bishops, 1880.)

III. *Location.* The body of itinerant preachers supplies pastors to the Church. To them the official oversight and charge of circuits and stations is committed. They take special vows of devotion to this work. If one becomes so entangled in worldly cares, so inefficient, or so unacceptable, as to be no longer available for the purpose for which he was received into the Con-

ference, and does not give satisfaction that he will amend or voluntarily retire, the Conference may locate him without his consent; and he is returned in possession of his ministerial standing, to the body of local preachers, from whence he came.

This compulsory location is no reflection on the body of local preachers. One, for obvious reasons, may be useful in a local sphere to an extent that would justify his continuance in the ministry, who could not be useful in the wider scope and greater responsibility of the itinerant pastorate. He may be acceptable laboring as a local preacher, when he would not be as a pastor who must minister to every Society in his circuit, and draws his support from them. But to the located person it is a censure so far as this: it deprives him of a franchise which he had obtained as a member of the body of pastors, and declares him unfit for *this* work.

It is illegal for an Annual Conference to adjudge the censure of location in the case of a member convicted of crime or immorality; for this would be to censure, and even to degrade, the local ministry itself.

IV. *Deposition* is the degradation or displacing of a person from the ranks of the ministry for culpable inefficiency therein, and unfaithfulness to his ordination vows. When deposed, he is deposed entirely, and not from a higher to a lower order.

"It is inconsistent with the constitution and laws of the Church to depose from the ministry any person convicted of immoral conduct, without at the same time, and by the same act, expelling him from the Church. The only legal decisions recognized in the case of trial for immoral conduct are acquittal, suspension, and expulsion."[2]

[2] Journal, 1850, p. 207.

V. *Expulsion* is a dreadful censure, of last resort, for such as walk disorderly and will not be reproved; the excommunication and formal cutting off from the visible Church of Christ of those guilty of crimes, and gross immoralities, and pernicious heresies: that thereby the Church may testify against evils it has failed to cure, and be delivered from the scandal of the offense; while the incorrigible or contumacious offender, realizing his extreme condition, may thereby be led to repentance; and that others may fear.

Ecclesiastical censures ought to be suited to the nature of the offense, not losing sight of the character of the offender. When a lower sentence fails to reclaim the delinquent, it may be necessary to proceed to the infliction of a higher. The result of all discipline is the reclamation or expulsion of the offender. A course of discipline begun for the correction of offenses should not cease until one of these results is secured.

Church censures of every degree should be administered with solemnity, that they may be the means of properly impressing the beholder, and of leading the offender to repentance. Such advice should be added as may be judged necessary, and the whole should be concluded with prayer to Almighty God that he would follow the act of discipline with his blessing.

A preacher expelled from an Annual Conference and from the Church for immorality, and the decision sustained, on appeal, by the General Conference, was admitted to membership by a preacher in charge, with the advice and consent of his leading official members, without confession

or any expression of repentance of the crime for which he had been expelled. The question arose:

"1. Can an Annual Conference, upon allegation of illegality in the reception of the expelled member, investigate the question whether such reception was according to law?" The following decision was approved unanimously: "It is competent for an Annual Conference to inquire into the official administration of every member of it. Nevertheless, the law constitutes the preacher in charge the proper judge of the eligibility of the candidate for membership in the Church." (College of Bishops, 1867.)

SECTION IV.

BILL OF CHARGES.

1. "The Discipline contains no form for a bill of charges. In drawing such bills, analogies from our law and obvious proprieties, as these have been recognized and established by usage, must be followed. The charge should be definite as to time, and place, and substance, and circumstance. This is necessary, (1) that the accused may understand the nature of the charge against him; (2) that the Committee of Trial may determine whether the facts constitute an offense, and thus graduate its guilt; (3) that the decision in the case may bar a future trial for the same offense. If, however, the parties in the case waive all objection to the form of the bill of charges, and agree to proceed with the trial, the Committee of Trial is under no obligation to interfere, unless to protect those who are too ignorant to know their rights. An accused person, preacher or layman, is entitled to the protection of

all the rights which the laws and usages of the Church secure to him.[1]

"An agreement on both sides not to introduce *ex parte* testimony may be waived by mutual consent, and such testimony may be introduced subject to the decision of the president of the committee. An episcopal decision often quoted allows the introduction of *ex parte* testimony in certain cases, *some* of which it specifies. The records and usage of the Church everywhere justify *ex parte* testimony, provided the rights of all parties concerned are protected as far as possible.[2]

"There is no power in the Church that can compel a witness to answer questions. The presiding officer in a Church trial may decide that a question is improper, and the witness with propriety may decline to answer. In Church trials a witness is not bound to reveal confidential communications made to him as an intimate friend, or as an adviser or representative.

"A witness may at his own suggestion, or on demand of the president, or of any committeeman explain testimony that has been misapprehended, and he may do this at any stage before the decision is reached.

"Even after the argument has been closed, there may be peculiar circumstances that warrant the introduction of a new witness. In this case this was demanded by the affirmation of the accused, and if

[1] See Baker, p. 98, quoting 3 Stark. Ev., 1527. Starkie is here summarized, not quoted verbatim.

[2] "We have no rule making it illegal to admit what is called *ex parte* evidence." (McKendree, in Paine, "Life and Times of William McKendree," Vol. II., p. 186.) See also Merrill, "A Digest of Methodist Law," p. 196.

he were misinformed it may be necessary for the vindication of the accuser.

"Our usage gives to the president of the committee the right and duty to remain with the committee while it is making up its decision, to take part in its deliberations, and to aid in reaching its decision. Our law gives no privilege to a preacher which it denies to a member. As a preacher is pastor of a particular charge, so is a presiding elder the pastor of his district. An administrator, in the absence of specific direction to the contrary, is not to be condemned who simply conforms to long-established usage." (College of Bishops, 1858.)

"Any error in the name of the person, or in the circumstances described in the bill of charges, provided the general meaning is clearly expressed, and the error is of such a character as not to change the issue of the case, ought not to be deemed a bar to the proceedings. The ends of justice ought never to suffer from mere technicalities; but the charges and specifications must be so correctly drawn that the accused may fully understand, from the complaint itself, the nature of the case, and what he must show to declare his innocence."[3]

2. Every charge in a bill of charges must involve an offense which, sustained by evidence, without mitigating circumstances, would deserve a Church censure. Two distinct offenses must not be included in one charge.[4]

3. The specifications must correspond to the charge, and must not involve a different offense; and they must be such that each one, if fully sustained, would sustain the charge.[5]

[3] Baker, p. 100 (14). [4] Baker, pp. 98, 99. [5] Baker, p. 98.

4. If several persons are connected in the commission of the same offense, they cannot be brought to trial in the same bill. Charges and specifications must be made out against each one, and each must be separately cited and tried.[6]

5. A copy of the bill of charges, with notice of time and place of trial, duly signed, and left at the usual residence of the accused, is deemed a sufficient notice, even if the accused has fled from the place and his present place of residence is not known.[7]

6. The preacher in charge, or the president of the committee, is the proper person to issue notices to the accused, and to appoint a suitable time and place for the preliminary investigation and the trial.

7. In drawing up a bill of charges, the following order should be observed:

(1) A statement of the charge.

(2) The specification or specifications by which it is sustained, arranged under it. Each specification should be numbered.

This order should be observed until every charge is presented, and the different specifications are arranged under their appropriate heads.

SECTION V.

ORDER OF PROCEEDINGS.

1. Every Church Committee should open and close with prayer.

[6] Baker, p. 102. [7] Baker, p. 102.

2. Before proceeding to trial, the committee should be satisfied that notice has been served on the accused, and that he has had sufficient notice to secure his attendance. If the accused be absent, and his absence is not owing to a disposition to evade a trial, but to the lack of proper notice, or to some other justifiable cause, the presiding officer should adjourn the committee to a suitable time.

3. The presiding officer should announce the case, the names of the parties (and of counsel, if there be any), and also, before entering on the trial, should appoint a competent secretary to take minutes of it. A charge from the president to the Committee of Trial is very proper, reminding them of the dignity and solemnity of the work they are to do, and of the spirit and manner in which it ought to be done.

4. Mode of proceeding:

(1) The charges and specifications are read.
(2) The accused responds.
(3) (*a*) Witnesses for the Church are examined.
(*b*) Cross-examination by the accused.
(4) (*a*) Witnesses for the accused are examined.
(*b*) Cross-examination by the Church's representative.
(5) Rebutting testimony by the Church.
(6) Rebutting testimony by the accused.
(7) The parties are then heard in the following order:
(*a*) The counsel for the Church.
(*b*) The accused.
(*c*) The counsel for the Church.[1]
(8) The committee deliberate on the case.
(9) Decision by the committee rendered.
(10) The presiding officer pronounces the sentence.

[1] See page 101, ¶ 11.

(11) The decision and sentence entered on record.

(12) Appeal may be taken, and notice of it made part of the minutes.

5. If the accused refuse to respond, or answers foreign to the purpose, it is deemed, in law, equivalent to answering "not guilty."

6. The preacher in charge should be present at the preliminary investigation; and as the president of the trial, should remain with the committee while making up its judgment. "He is pastor of the flock; and he would greatly neglect his duty were he to be absent, and consequently not know on what law or evidence the judgment is rendered."[2]

7. No member of a Committee of Trial, in forming a judgment, has a right to take into consideration any fact known to himself but which was not in evidence. If he knew any material fact, it was his duty to state it, as a witness.[3]

8. Every question put to a witness, with the answer, should be recorded, if required by either party. The testimony of witnesses, as recorded, should be read to them for their approbation.

A witness, while giving testimony, may recall and correct his testimony; but it should be written down just as it is given, with all its corrections; and the committee of trial must decide whether the latter statements are more worthy of belief than the former. The College of Bishops, in 1858, in a case arising out of a charge of maladministration brought against a Presiding Elder, decided that "if the testimony of a witness is misapprehended, he may, at his own suggestion, or on demand of the president or of any committeeman,

[2] Hedding, p. 63. [3] Baker, p. 106.

explain his testimony, and he may do this at any stage of the proceedings before the decision is reached."[4]

9. No witness afterwards to be examined, unless he be a member of the committee, or have the consent of the persons concerned, should be present during the examination of another witness in the same case.

10. If the accused, in the beginning or progress of the trial, plead guilty to the bill of charges, no further evidence need be taken. The fact should be made a part of the minutes and record, and the committee should proceed with the case.

11. Witnesses should be examined first by the person introducing them, then cross-examined by the other party. Afterwards, any member of the committee may, by permission of the president, put additional interrogatories.

12. The president is to decide who are competent witnesses, whether questions asked or documents offered are admissible, and to decide all questions of law arising in the trial.[5]

When the president rules out certain witnesses or questions or papers, or refuses to allow to be entered on record any statement of fact which has occurred during the trial, or makes decisions on points of law which either party considers prejudicial to his interests, it is the right of the party to file an exception in writing, containing a statement of such testimony, question, or fact; and all exceptions so filed become parts of the record. All exceptions to evidence and to rulings ought to be taken at the time. It is too late after the decision of the Committee has been rendered.

13. The committee, in making up its decision, inquires:

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[4] See page 117, Sec. IV., ¶ 1. [5] Baker, p. 110.

(1) Whether each of the specifications under a charge has been sustained.

(2) If any or all of them have been sustained, whether the charge is proved. All the specifications may be proved, and yet the charge not be; or some of them may not be proved, but others, sufficient to sustain the charge, may be. Of course if all the specifications fail, the charge does.[6]

14. "The judgment of the committee should never be given verbally, but should be written and signed by all of the committee who approve it. A majority is competent to render a verdict."[7]

15. The minutes of the trial should exhibit the time and place in which it is held, the names of the committee, the bill of charges, the answer, the testimony, and all such acts, orders, and decisions relating to the cause as either party may desire, and the judgment and sentence. To this should be added notice of appeal, if taken. The president of the committee is bound to present these complete records to the Committee of Appeals.

16. The trial must be held to the charges and specifications brought against the accused. If a different offense is proved from the one alleged, he cannot be convicted, unless there be a new bill of charges setting forth the offense, and a trial *de novo*.[8]

17. No one can be held to answer on a second bill of charges for any offense of which he has been acquitted, by a competent Committee of Trial, on the facts and merits. But if he were acquitted upon the ground of a variance between the charge

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[6] Baker, p. 106. [7] Baker, p. 107. [8] See Baker, p. 115.

and the proof, or upon any exception to the form of the charge, he may be tried on a new bill of charges, and convicted of the same offense, notwithstanding such former acquittal.[9]

18. "When a charge of slander is preferred by one member or minister against another, it is lawful for the accused to prove the truth of his statements as a ground of justification."[10]

19. Immaterial averments, which might be expunged from the record without affecting it, should be regarded as surplusage, and need not be proved.

20. Omissions and errors, when the true intent evidently appears, may be corrected; but no amendment, during the progress of the trial, can be admitted which in any degree changes the issue. During the trial, a new charge or specification cannot be admitted; neither can a charge or specification be withdrawn after evidence has been taken on it, without the consent of both parties.[11]

21. When the question is raised in a Conference, under what rule of Discipline a charge is to be tried, the President of the Conference must decide, subject to appeal.

A Presiding Elder decided in the case of a local preacher complained of for having the art and science of modern dancing taught, that the case came under the rule of the Discipline forbidding "improper tempers, words, or actions." This decision, on appeal, was sustained by the Bishop, on the ground "that it is contrary to the spirit of the Discipline and of the New Testament to teach the art and science of modern dancing anywhere, or to practice promiscuous dancing anywhere," and all the Bishops concurred.[12]

[9] See Baker, pp. 147, 154. [10] Baker p. 163. [11] College of Bishops, 1859. [12] College of Bishops, 1858.

CHAPTER V.

OF TRIALS.

SECTION I.

TRIAL OF A MEMBER.

1. No member can be tried for immorality until three discreet members of the Church, as a committee, have investigated the case, and reported that a trial is necessary.

2. A committee of investigation is not to try a case, but to ascertain whether there is a case to be tried. An accused person, if allowed to appear before it to show that no trial is necessary, may not present any testimony in defense.[1] (College of Bishops, 1879.)

3. A majority of the Committee of Investigation before which the accused member can introduce no evidence, under the law of our Church, may declare a trial necessary, frame a bill of charges and specifications, and appoint a prosecutor. (College of Bishops, 1897.)

4. Before a Committee of Investigation and Presentment the accused is not entitled to counsel.[2] (College of Bishops, 1889.)

5. If, upon investigation, the committee deem a trial necessary without waiting for positive and

[1] This decision does not apply to an investigation of accusations or charges against a traveling preacher in the interval between Annual Conferences, where evidence is being collected for a subsequent trial.

[2] See Chapter IV., Sec. I., p. 101.

undoubted evidence of guilt, they should put the case in the way of trial. Observe, this is a committee of *investigation*, not of *trial*.[3]

The Discipline directs that if the committee deem a trial necessary, they shall formulate a bill of charges and specifications, and shall appoint a member of the Church to prosecute the case in the name of the Church. Upon the presentation of such a bill of charges, the preacher in charge must take measures for trial thereon.

6. Great caution should be exercised by investigating committees in receiving accusations from any one who is known to indulge a malignant spirit toward the accused, who is not of good character, and who is himself under censure or process, who is particularly interested in the conviction of the accused, or who is known to be rash, litigious, or highly imprudent.

"In selecting the committee for the trial of a member, a preacher ought to be very careful to obtain wise, pious, and candid men, who will do justice both to the accused person and to the Church. There should be a sufficient number of them to form a respectable" committee of trial, "for the decision of so important a matter should not be left to two or three individuals. A fit time and place should be appointed for a fair investigation; time enough should be taken for that object, even if it require an adjournment from day to day: nothing should be done in a hurry where so important an interest is pending as membership in the Church. The accused person should be furnished in season for preparation with the matter of which he is accused; and if he be ignorant, or incapable of managing his own cause, a capable and honest

[3] See page 101. If an impartial committee of investigation cannot be obtained in the class or society to which a member belongs, the pastor may select the committee from any other society of his pastoral charge. (College of Bishops, 1879.)

member should be employed to assist him, that no advantage be taken of one of the least of the children of God."[4]

7. For sufficient cause the pastor may conduct the trial of a member at some other place than where his membership is held. (College of Bishops, 1879.)

8. The existence of prejudice against the accused in a Church trial does not disqualify one who is a member from acting as a prosecutor, though it is a disqualification for membership on the trial committee. (College of Bishops, 1879.)

9. No member of the Quarterly Conference should be on the committee if other suitable persons can be found, that, in case of appeal, the accused may have the benefit of a full and uncommitted tribunal.

10. Members of a Quarterly Conference against whom charges are pending cannot sit in Quarterly Conference, though the trial has not yet been had. They are under arrest of character. (College of Bishops, 1879.)

11. The accused should not, of course, be allowed directly or indirectly to pack a committee with his friends, and so defeat the ends of justice; neither should those be appointed who are prejudiced against him. He is allowed the right of unlimited challenge for cause,[5] and the right to in-

[4] Hedding, pp. 64, 65.

[5] "The Discipline uses the term 'challenge for cause,' but it nowhere defines, or attempts to define, the term. And in order to a proper understanding of the question we are compelled to have recourse to the common law. The simple fact that the accused is not satisfied with the committee, or any member thereof, is not a ground of challenge for cause within the meaning of the Discipline; but if a member of the committee is related, either by blood or marriage, to either of the parties, . . . such fact would constitute a good ground for

terrogate the committeemen to ascertain the cause, to challenge peremptorily two out of a committee of five, and in like ratio for any other number; but if he can show a good reason why any member of the committee should not sit on his case, a judicious administrator will supply his place with another.

12. "If an accused member evades a trial by absenting himself after sufficient notice has been given and without requesting any one to appear in his behalf, it does not preclude the necessity of a formal trial."[6] The preacher in charge is not to esteem him guilty upon his own judgment, and proceed to pronounce suspension or expulsion. The committee should consider the case, taking such evidence as is necessary. "If the committee decide that the circumstances of the accusation afford strong presumption of guilt, the accused is to be esteemed as guilty,"[7] and, when the verdict is rendered, sentence is to issue accordingly. In such a case there is no redress by appeal, for contumacy is itself an offense deserving censure.

'challenge for cause,' or if a member of the committee had heard a statement, or what purported to be a statement, of the facts, and had made or expressed an opinion as to the guilt or innocence of the accused, this would constitute cause, within the meaning of the Discipline. A mere bias, however, unless it amounted to a legal disability, is not sufficient." (Henry and Harris, p. 103.) "If we compel this spiritual court to observe the rule of law as to challenge of jurors, it would be our duty to enforce the observance of all the rules of law, unless of impossible application. With the same propriety it might be urged that twelve presbyters—the number of a jury—instead of three or five, should form the court. Why not go beyond the pale of the Church and abandon the presbyters as wholly incompetent? The canon in the designation of presbyters as assessors, and the number, is no more emphatic than in providing the manner of selection. What law shall govern as to the number of witnesses necessary to establish an offense? Our law only requires one witness, with two exceptions; the Scriptural rule requires two." (Chase *et al. vs.* Cheney, 58 Ill. 533.)

[6] Baker, p. 114. [7] *Ibid.*

An accused person may procure some one to appear in his behalf. In such case, his right of appeal is not forfeited.

13. A trial having been entered upon, charges or specifications may not then be withdrawn at the will of the accuser. (College of Bishops, 1879.)

14. When an important witness is absent by no fault of the person for whom he is to testify, or when a person is surprised by evidence which he could not anticipate, the president of the committee, upon application, may adjourn the trial till all important witnesses can attend.[8]

15. The whole question of guilt or innocence rests upon the decision of the committee. What disciplinary course should be followed after a committee of trial finds the accused guilty depends on the nature of the case:

(1) If the offense charged falls in the class of Imprudences, there may be pardon upon repentance after a verdict of guilty; but "if there be not sign of real humiliation, the offender must be cut off."[9]

Bishop Hedding thus defines the duty of the administrator in offenses of this degree: "When the offender is suitably humble and penitent, forgiveness and forbearance should be exercised, and a repentant brother may be retained in the Church. 'Brethren, if a man be overtaken in a fault, ye which are spiritual restore such an one in the spirit of meekness.' (Gal. vi. 1.) That the rule is to be so understood is evident from a clause in the 'General Rules': 'If there be any among us who observe them not, who habitually break any of them, let it be known unto them who watch over that soul, as they

[8] Baker, pp. 113, 114. [9] See pp. 104-110.

who must give an account. We will adminish him of the error of his ways; we will bear with him for a season; but if then he repent not, he hath no more place among us; we have delivered our own souls.'

"In exercising mercy in this case, the preacher will need great prudence, to avoid doing it in a way to grieve and afflict the members, or cast a stumbling-block before the world. On this question he should take counsel with the select number, or the leaders' meeting, or, in some cases, with the society in the place, that it may be understood the offender is restored by general consent." [10]

(2) If the case come under the class of Sowing Dissensions, etc., the offender may be pardoned, after a verdict of guilty, upon manifestation of a proper spirit, and engaging to amend his conduct. If he persist, he must be expelled.

Lord King says: "As for the executive power, by which I understand the formal pronunciation of suspensions and excommunications . . . and such like, that could be done by none but by the bishop, or by persons in holy orders, deputed and commissioned by him." ("Primitive Church," p. 111.)

(3) If the offender have been tried for gross immorality, the committee, in addition to deciding him guilty of the *act*, should decide another matter: Are there any mitigating circumstances to be taken into the account, which modify the guilt, and, consequently, should modify the penalty? When the committee's decision has been thus given, the pastor must pronounce a sentence of suspension or expulsion. The law allows alternative censures. "For scandalous crimes," says

[10] Hedding, pp. 67, 68.

Bishop Hedding, "expulsion should undoubtedly take place."[11]

The theory that the power of judging and excommunicating, and, therefore, of lesser ecclesiastical censure, inheres in the pastorate, has been held and acted on by some Churches; and was once held by ours. Previous to 1788, the administration seems to have been on that plan. In that year was introduced into the Discipline the original Rule on this subject, prepared April 2 by Bishop Asbury.[12] It ran thus:[13]

"On bringing to Trial, finding guilty, reproving, suspending, and excluding disorderly Members from Society and Church-Privileges.

"*Quest.* How shall a suspected member be brought to trial?

"*Answer.* Before the society of which he is a member, or a select number of them, in the presence of a bishop, elder, deacon or preacher; in the following manner: Let the accused and accuser be brought face to face: If this cannot be done, procure the next best evidence. If from circumstances it appears that the person is guilty, and evades a trial as a presumptive proof, let him be excluded. If the offence be of a capital nature, defined and condemned by the word of God, and therein declared that they who do such things shall not inherit the kingdom of grace and glory; being crimes for which it is well known that in the godly discipline of the primitive church, and according to the strict discipline of modern reformed churches, members have been disowned. And by no means except those denominated by our Lord in Rev. xxi. 8, with other concurring scriptures. Valid witnesses from without shall not be rejected, if a majority believe them to be true. And without evident marks and fruits of repentance, such offenders shall be solemnly disowned before the Church. . . . If there be a murmur or complaint that justice is not done, the person shall be allowed an appeal to the quarterly meeting, and have his

[11]Hedding, p. 66. [12]Asbury's Journal, April 2, 1788.
[13]Discipline, 1788, p. 40.

case reconsidered before a bishop, presiding elder, or deacon, with the preachers, stewards, and leaders who may be present."

The words "before the society," "or a select number," might mislead the reader who is used to the Church committee of the present day. They mean no more than this: the members saw the minister acting in the trial, gave their own testimony, if they had any, and made remarks, and heard the case developed and disposed of. It was decided not *by* them, but in their presence; and thus they could be satisfied that it was fairly done. Both judgment and censure were exercised by the same person. The following explanation of this new—and then thought liberal—law was published in the Minutes:[14]

"As a very few persons have, in some respect, mistaken our meaning, in the 32d section of our Form of Discipline, 'On bringing to trial disorderly persons, etc.,' we think it necessary to explain it. When a member of our Society is to be tried for any offence, the officiating Minister or Preacher is to call together all the members, if the Society be small, or a select number if it be large, to take knowledge, and give advice, and bear witness to the justice of the whole process; that improper and private expulsions may be prevented for the future."

In the Discipline of 1792, page 56, the words "let him be expelled" were so changed as to express more clearly what was done—"let the Minister or Preacher who has charge of the circuit expel him." In 1798, Bishops Asbury and Coke, explaining this section on the trial of disorderly persons, as it then stood, argue from Scripture (Heb. xiii. 7-17, and other passages), and from Church history and the reason of things, that the final judgment of an offender, in respect to both the guilt and the censure, ought to be invested in the minister; "nor could we," say they, speaking for themselves and the Conference, "justify our conduct in investing the quarterly meeting with the authority of receiving and determining appeals, if it were not almost entirely composed of men who are more or less engaged in the ministry of the word,

[14]Minutes for the year 1789, Edition of 1795, p. 132.

the stewards being the only exception." (Notes on Discipline.)[15]

By the General Conference of 1800, after the words "found guilty," the following were inserted: "by the decision of a majority of the members before whom he is brought to trial."[16] Henceforth the question of guilt was taken out of the minister's hands, and the accused member was to be convicted or acquitted not only *before*, but *by*, the Society, or "a select number of them." In 1808 this was secured and locked up in the Constitution: "the privileges of our members of trial before the Society, or by a committee, and of appeal." (Discipline, 1808, p. 16, fifth Restriction.) Thus the matter stands. In some cases, the Church has definitely prescribed the penalty which the pastor shall pronounce on a certain finding of facts. In others, there is a margin for godly discretion. Bishop Hedding is explicit: "When the judgment of guilt is rendered, who is to award the punishment, or expel when expulsion is necessary? The preacher. For when the authority of deciding on the guilt or innocence of an accused member was taken from the preacher and given to the people, that was all that was taken from the one, or given to the others." (Discourse on Discipline, p. 63.)

SECTION II.

THE TRIAL OF A LOCAL PREACHER.

Prior to the year 1902 a local preacher was amenable for his conduct to the Quarterly Conference, which had power to try, and acquit, suspend, or expel him. A local preacher who is on trial as a probationer in an Annual Conference is still accountable for his conduct to the Quarterly Con-

[15]Discipline, 1798, p. 168.

[16]Discipline, 1801, p. 62. Journal, 1800, p. 39. Bound up with the Discipline of 1798 is the Journal of 1800 in a different form from the Journal in the octavo edition. On page 11 of this earlier publication the words as printed in the Discipline are given, not those printed in the octavo Journal.

ference of the charge that he serves, although on an accusation of immorality he cannot be tried by the Quarterly Conference.[1] But with reference to all other local preachers, except probationers on trial in the Annual Conference, the General Conference of 1902[2] changed the law and made them amenable for their moral conduct to the District Conference within which they reside; providing, however, that when a local preacher is under report of immorality, the preliminary investigation of the report and the trial of the case may be held "where the offense is alleged to have been committed and by the authorities having jurisdiction there." As the Discipline stood before 1902 a local preacher could not in any proper sense be tried by a committee; he was amenable to the Quarterly Conference for his conduct, personal and official; and by the Quarterly Conference alone could he be tried and censured. But since that date the entire process of investigation and trial of a local preacher has been changed and put upon a different basis.

1. Under the present law, when a local preacher is under report or is accused of immorality, the Presiding Elder must "appoint a committee of three local preachers, and if local preachers cannot be obtained, he shall appoint three members of the Church, to investigate the report or accusation." If the committee of investigation find a trial necessary, "they shall formulate a bill of charges and specifications and appoint a local preacher or

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[1]See p. 140. [2]Journal, 1902, pp. 183, 203.

member of the Church to prosecute the case" before a committee of trial appointed by the Presiding Elder and composed of "not less than seven nor more than thirteen official members of the Church."

2. It is legal for the Presiding Elder of a District within the bounds of which a local preacher is accused of having committed an immorality to conduct an investigation of the case, even though the local preacher in question has his membership in another district. (College of Bishops, 1906.)

3. The committee of investigation must "notify the Presiding Elder of their finding, and he must notify the accused"; and a local preacher is "not allowed to exercise the functions of his office from the time of his notification until the case has been determined."

4. If a local preacher is in orders, and there be rumors seriously affecting his moral and ministerial character, justifying the Quarterly[3] Conference in refusing to pass his character, he ought to desist from all ministerial exercises till the case is finally tried and settled. (College of Bishops, 1870.)

5. A local preacher has the right of peremptory challenge of five in a trial committee composed of thirteen persons, and of three in a committee of seven, besides the right of unlimited challenge for cause, the validity of the cause being determined by the Presiding Elder who presides in the case.

6. "A traveling preacher may not act as prose-

[3]Since 1902 the jurisdiction has been in the District Conference.

cutor in the trial of a local preacher or a member of the Church." (College of Bishops, 1897.)

7. The Presiding Elder should remain with the committee while deliberating on the case.[4] When the trial of a local preacher was by the Quarterly Conference, the College of Bishops, in a case coming before them in 1858, decided that the Presiding Elder shall thus remain with the Quarterly Conference during the trial of a local preacher, and the principle applies with equal force to a trial by a committee as the law now requires. The Bishops said in the case alluded to: "If a preacher be a pastor of a particular church, so is the Presiding Elder the pastor of his District. If the relation of pastor justifies this course in one case, the same relation justifies it in the other."

But a judicious administrator will be careful not to let his opinions be known concerning the guilt or innocence of the accused. He is present not as a partisan, but as a pastor.

8. At the commencement of the trial the Presiding Elder shall appoint a secretary, one of the committee or some other competent member of the Church, who shall record regular minutes of the evidence and the proceedings. The minutes, when read and approved, shall be signed by the Presiding Elder, and also by the members of the committee, or by a majority of them, and the decision of the committee shall be final, save as to the right of appeal.

9. The committee of trial not only finds the verdict, but awards the penalty. The Presiding

[4]See page 122, ¶ 6.

Elder makes known the decision and pronounces the censure if there be any; but he acts only as the organ of the committee by whom exclusively the judgment is rendered.

10. The case of a local preacher who travels as a *supply* does not differ from that of any other local preacher in all processes of discipline. He is a member of the Quarterly Conference of the pastoral charge which he serves, and amendable to the District Conference of the District to which it belongs.

11. When a local preacher is guilty of improper tempers, words, and actions, no investigation and trial is required. "The person so offending shall be reprehended by the preacher in charge. Should there be a second trangression, one, two, or three faithful friends are to be taken as witnesses. If the offender be not then cured, he shall be dealt with as in a case of immorality, and if found guilty and impenitent, shall be expelled from the Church." But if he give satisfactory evidence of humiliation and assurance of amendment, even after being found guilty by a committee, the trial committee may exercise forgiveness and forbearance; without such evidence of penitence, the guilty person must be cut off.

12. When a local preacher is accused of disseminating publicly or privately doctrines contrary to our Articles of Religion, the same process of investigation and trial must be followed as in case of immorality.

13. When a local preacher, who has been ordained as a deacon or elder, "is complained of as

being so unacceptable or inefficient as to be no longer useful in the work, and the District Conference for that reason refuses to pass his character," the Conference "shall proceed to investigate the case; and if it appear that the complaint is well founded, and if he fail to give the Conference satisfactory assurance that he will amend or voluntarily surrender his credentials, the District Conference may depose him from the ministry. He may defend himself before the Conference in person or by representative." He cannot be deposed without a formal procedure of investigation and trial similar to the process followed in case of an accusation of immorality. When in the course of the proceedings of a District Conference such a case arises, or a case of immorality arises, and a committee of investigation reports a trial necessary, the District Conference cannot adjourn *sine die* until the case is determined; for it is the duty of the District Conference to pass upon the character of all the local preachers who are members of it, and it cannot end its session until that work is done.

14. A District Conference may without an investigation refuse to renew the license of an unordained local preacher; but it cannot deprive an ordained man of his credentials without investigation and trial in due form.

In a case of discipline administered in 1859, and coming before an Annual Conference on appeal, it was decided by the President, and the decision was concurred in by the College of Bishops, that a Quarterly Conference has not the right to deprive an ordained local preacher of his credentials

without a trial on a charge or charges and specifications. It was held that where censure was inflicted, there must be a previous conviction arrived at in regular process; so that the accused may have the protection of forms, and the benefit of appeal. The proceedings should be taken down by a secretary appointed for the purpose, and the minutes duly approved and signed; so that, in case of appeal to the Annual Conference which conferred his credentials, he may have opportunity to show objections to the sentence by which he was deprived of them.

The change in the Discipline which transferred the responsibility of local preachers from the Quarterly Conference to the District Conference does not change the application of this principle.

15. A Quarterly Conference[5] has not the right to deprive a local elder of his credentials, in the absence of a trial on charge and specifications, according to the due forms of law and the usages of the Church; and such an act is void. (College of Bishops, 1861.)

16. A local preacher who is on probation, but who has not been admitted into full connection with an Annual Conference, does not have his character passed upon by the Quarterly Conference or the District Conference; he is examined at the Annual Conference with which he is enrolled as a probationer;[6] but in case he is accused of immorality during an interval between sessions of the Annual Conference, he is accountable to the Quarterly Conference of the charge that he serves,[7]

[5]Since 1902 the jurisdiction has been in the District Conference. See page 40. The Annual Conference, without trial, cannot deprive a traveling preacher of his credentials, and in 1859 the College of Bishops so decided.

[6]See 10 on p. 138; Baker, pp. 70, 71; Merrill, p. 17. [7]See p. 135 f.

and the same course of discipline by investigation and trial by committees is pursued that is provided for any other local preacher under like accusation. For his acts of administration, when he is in charge of a mission, circuit, or station, he is amenable to his Presiding Elder and to the Annual Conference. Says Bishop Hedding: "The Presiding Elder can correct his errors and reprove him, and change his relation by putting him under another preacher; and the Conference can discontinue him for that cause."[8]

17. A local preacher who travels as a supply is responsible for his *administration* to the Presiding Elder, who can correct his errors, and remove and discontinue him.[9]

18. When a local preacher, by expulsion, deposition, or withdrawal, forfeits his credentials, it is the duty of the Presiding Elder to require them of him to be filed with the Annual Conference.

The credentials are invalid, henceforth, by their very conditions, and should be surrendered to the Church which gave them. It would be an imposition for such a person to exercise the ministry upon the authority of a Church that had no more control over him or connection with him. If the forfeited credentials are not surrendered, the character of the Church and the interests of morality might require that the position of such a person should be published to the world. This is the course of proceedings adopted in the case of a traveling preacher who has forfeited his credentials.

19. A local elder under charges surrendered his credentials to the Presiding Elder, whereupon proceedings in the Quarterly Conference against him were

[8]Quoted by Baker, p. 74.

[9]"A local preacher in charge of a society is responsible to the quarterly [now District] conference." (Baker, p. 71.)

stopped. Rumor exaggerated his offense, and he demanded the return of his credentials and that he be reinstated for a trial. As the custodian of his credentials, the Presiding Elder declined to return them, but filed them with the Annual Conference. His action was legal. The applicant must first be licensed before the restoration, and the latter can be done only by an Annual Conference.[10] (College of Bishops, 1879.)

SECTION III.

TRIAL OF A TRAVELING PREACHER.

1. A traveling preacher is responsible for his moral and ministerial conduct to the Annual Conference of which he is a member. The proper time to present a complaint or charge against him is when his name is called in the annual examination of character, and the question is asked, "Is he blameless in life and official administration?" The law also provides for investigation, suspension, and trial *ad interim*.[1]

2. It is the duty of a presiding elder during an Annual Conference, if he knows of any report against a preacher in his district of such gravity as to require investigation, to mention it to the Conference, although no written charge has been presented. (College of Bishops, 1896.)

3. It is not contrary to the law for the presiding elder to present to the Conference, for its action, the report of an Investigating Committee, appointed

[10] See Discipline 1922, ¶769. [1] See p. 114.

in the interim of an Annual Conference, when that report declares no trial necessary nor to hold up the passage of the character of the traveling preacher with the presentation to the Conference of such a report. (College of Bishops, 1906.)

4. A presiding elder, with written charges in his hands signed by a minister or member of our Church against a traveling preacher of his district, cannot judicially prejudge the case, and decide that no trial is necessary, but must refer it to a committee; nevertheless he may, and ought to, advise against trials that appear to him needless and damaging. (College of Bishops, 1889.)

5. The statement in the Discipline, and in the Manual of the Discipline, that a traveling preacher is amenable for his conduct to the Annual Conference of which he is a member does not necessarily imply that the Conference, and not the Chair, shall appoint the Committee of Investigation and Trial, a view confirmed by long custom. (College of Bishops, 1891.)

6. The law stating that the chairman of a committee to try a traveling preacher shall be appointed by the president of the Conference does not exclude the other members of the Committee of Trial from appointment by him, when not so requested by the Conference.

Approved, with the understanding that if the Conference claim the right of appointment, it cannot be denied. (College of Bishops, 1891.)

7. Because of the interval between the sessions of the Conference, and the delicacy and impor-

tance of the work, the arrest of an immoral minister cannot always be delayed until the ensuing session. "It is sometimes necessary," in the language of Coke and Asbury, "to stop the plague by an immediate stroke of discipline."[2] Hence committees of investigation in the case of accused traveling preachers, with power of suspension, are provided for.[3]

"The great object," says Bishop McKendree,[4] "of committees is to attend to complaints or charges in the intervals of Conferences, and thereby rescue the character of innocent brethren, wrongfully accused, from injury, and preserve their usefulness by acquitting them, when not found guilty; and if judged to be guilty, to save the Church from reproach and injury, by suspending them until the ensuing Conference."

8. The committee of preachers, called by the Presiding Elder, may be from any portion of the Conference; though if his District furnish suitable persons, the selection should be made from within its bounds. And when in his judgment the circumstances demand it, the Presiding Elder may appoint the place for investigation outside of his District.

9. It is the Presiding Elder who suspends, and not the committee. The committee's verdict on the charge must first be rendered.

In 1792, page 18, the third answer to the question, "What are the duties of a Presiding Elder?" was, "To change, receive, or suspend Preachers in his District during the in-

[2] Discipline, 1798, p. 117.

[3] For the order of proceedings in a Church trial, see pp. 120, 121.

[4] Paine, "Life and Times of William McKendree," Vol. II., pp. 184, 185.

tervals of the Conferences, and in the absence of the Bishop." This was done without the intervention of a committee. In the Discipline of 1797, page 38, the first question and answer under the section on bringing to trial immoral traveling ministers reads thus: "What shall be done when an elder, deacon, or preacher, is under the report of being guilty of *some crime*, expressly forbidden in the word of God, as an unchristian practice sufficient to exclude a person from the kingdom of grace and glory, and to make him a subject of wrath and hell? *Answ.* Let the presiding elder, in the absence of a bishop, call as many ministers as he shall think fit, at least three, and if possible bring the accused and the accuser face to face. If the person be clearly convicted, he shall be suspended from all official services in the church, till the ensuing district [yearly] conference; at which his case shall be fully considered and determined." Under this, Bishops Coke and Asbury, in their Notes, say: "The answer to the first question serves to remove every reasonable objection to the *suspending power* of the presiding elder. The trial of a minister or preacher for gross immorality shall be in the presence of at least three ministers. These ministers have, of course, full liberty to speak their sentiments either in favor or disfavor of the person accused. This must always serve as a strong check on the presiding elder, respecting the abuse of his power,"[5] etc. In 1804 these pregnant words were added to the above third answer, making it what it has been ever since, "as the Discipline directs."[6] The power of suspending a preacher without a previous conviction by a committee was taken away, and this "privilege of our ministers or preachers" was guarded in the Fifth Article or Restrictive Rule of the Constitution, adopted four years later.[7]

10. A Presiding Elder cannot call a traveling preacher before a committee, except (1) when he is under report of immorality, (2) or disseminates, publicly or privately, doctrines contrary to our

[5] Discipline, 1798, p. 111. [6] Journal, 1804, p. 54.
[7] See pp. 131, 132, and Discipline of 1808, p. 15.

Articles of Religion, (3) or ceases to travel without the consent of the Bishop who made the appointment, or is in charge of the work. If, under the first item, the committee find a trial necessary, or he confesses guilt, the preacher must be suspended: there is no discretion allowed. The penitence of the accused cannot prevent suspension. Under the second item, the committee may find the accused preacher guilty; "but if he solemnly engages not to disseminate such erroneous doctrines, in public or in private, he shall be borne with till his case be laid before the next Annual Conference." Under the third item, the committee may find the fact, and also the "unavoidable circumstances"[8] which justify it, and there is no suspension.

The phrase, "doctrines which are contrary to our Articles of Religion," is evidently elliptical, and may be better understood by quoting its connection in the First Restrictive Rule: "The General Conference shall not revoke, alter, or change our Articles of Religion, or establish any new standards or rule of doctrine contrary to our present existing and established standards of doctrine." Some of the leading and characteristic doctrines of Methodism are not mentioned in the twenty-five technically called "Articles of Religion." American Methodists (1781) vowed "to preach the old Methodist doctrine" of Wesley's "Notes and Sermons."[9]

[8] Some sentences containing these words, inserted in the Discipline of 1870, were stricken out in 1894.

[9] What took place at a Conference "held at Choptank, State of Delaware, April 16, 1781, and adjourned to Baltimore the 24th of said month," was this: "Quest. 1. What Preachers are now determined, after mature consideration, close observation, and earnest prayer, to preach the old Methodist doctrine, and strictly enforce the discipline, as contained in the notes, sermons, and minutes, as published by Mr. Wesley, so far as they respect both preachers and people, according to the knowledge we have of them, and the ability God shall give, and firmly resolved to discountenance a separation among either Preachers or people?" (Minutes for 1781, p. 41, first bound edition.)

May, 1784, "the doctrine taught in the four volumes of Sermons[10] and Notes on the New Testament" was reaffirmed.[11] The Model Deed legally established these standards for the Methodists in Great Britain and Ireland.[12]

The exact and full meaning of the statement, "our present existing and established standards of doctrine," has never been authoritatively determined.

In a Report to the General Conference of 1914, the College of Bishops unanimously says: "It must be borne in mind that these Sermons and Notes have never been adopted by organized Episcopal Methodism. The only reference[13] to the

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[10] The words "the first four volumes of sermons" became in England a matter of discussion. How many sermons did the "first four volumes" contain? The question was submitted to eminent counsel by the British Wesleyan Conference. In accordance with his opinion the Conference passed the following: "The phrase in the Model Deed applies to the first four volumes of Wesley's *Sermons*, published in eight volumes in 1787-88; and the total number of sermons is forty-four." (Wesley's Standard Sermons, Edited and Annotated by Edward H. Sugden, Vol. II., pp. 331-340.)

[11] What took place at the Conference "Begun at Ellis's Preaching House, Virginia, April 30, 1784, and ended at Baltimore, May 28, following" was this: The question was asked: "21. *How shall we conduct ourselves towards European Preachers? Answ.* If they are recommended by Mr. Wesley, will be subject to the American conference, preach the doctrine taught in the four volumes of Sermons, and Notes on the New Testament, keep the circuits they are appointed to, follow the directions of the London and American minutes, and be subject to Francis Asbury as General Assistant, whilst he stands approved by Mr. Wesley, and the conference, we will receive them; but if they walk contrary to the above directions, no ancient right or appointment shall prevent their being excluded from our connection." (Minutes, 1784, pp. 72, 73. The quotation is from the first bound edition of the Minutes, published in 1795. In punctuation, it differs slightly from subsequent editions.)

[12] This Model Deed for the Settlement of Chapels, "which differed in many respects from that previously put forth" in 1763, can be found in Smith's "History of Wesleyan Methodism," Vol. I., p. 736, Appendix G. It was adopted in 1788 and was printed in the "Minutes" of that year. *Op. cit.*, p. 586. Wesley's Works, Vol. V., pp. 233, 234. See also "A New History of Methodism," Vol. I., p. 371; Tyerman, "Life and Times of Wesley," Vol. III., pp. 417, 418; Tigert, "Constitutional History," pp. 37 ff. and references. The Model Deed and the Deed of Declaration differ totally. The latter does not so much as mention the Sermons and Notes.

[13] At the first General Conference, that held December, 1784, at which American Episcopal Methodism was organized, a Discipline was adopted. Its title-page is, "Minutes of several conversations between the Rev. Thomas Coke, LL.D., the Rev. Francis Asbury and others, at a Conference, begun in Balti-

Sermons and Notes to be found in our official records occurs in the minutes of the Conferences held prior to the first General Conference, which General Conference met in Baltimore, Md., in the latter part of December, 1784, and the first day of January, 1785, and is known in our literature as the 'Christmas Conference.' . . . It is not clear that in our Church the 'Sermons' and 'Notes' are standards of doctrine. . . .

"It is our joy to know that from the beginning of American Methodism our preachers have proclaimed the substance of the doctrine contained in the 'Sermons' and 'Notes,' and that our people have believed and continue to believe and to love that body of truth. The ritual for the administration of Baptism and the Lord's Supper and the ordination services are full of doctrinal statements. Ritual is doctrine, and this has been the view from the earliest ages of the Church. The Nicene Creed was built around the form used in the Church of Cæsarea.

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more, in the State of Maryland, on Monday, the 27th of December, in the year 1784. Composing a form of Discipline for the ministers, preachers and other members of the Methodist Episcopal Church in America. Philadelphia: Printed by Charles Cist, in Arch-Street, the Corner of Fourth-Street, MDCCLXXXV."

In this Discipline no mention whatever is made of the Sermons of John Wesley. The following quotations show all that either directly or remotely refers to the Notes on the New Testament:

"Q. 3. As the Ecclesiastical as well as Civil Affairs of these United States have passed through a very considerable Change by the Revolution, what Plan of Church-Government shall we hereafter pursue? A. We will form ourselves into an Episcopal Church under the Direction of Superintendents, Elders, Deacons and Helpers, according to the Forms of Ordination annexed to our Liturgy, and the Form of Discipline set forth in these Minutes" (page 3).

"Q. 49. What general Method of employing our Time would you advise us to? A. . . . 2. From four to five in the Morning, and from five to six in the evening, to meditate, pray, and read, partly the Scripture with Mr. *Wesley's* Notes, partly the closely-practical Parts of what he has published" (page 18).

"Q. 54. What is the best general Method of Preaching? A. . . . 11. Frequently read and inlarge upon a Portion of the Notes" (page 21).

"Q. 66. Do we sufficiently watch over each other? A. We do not. . . . To be more particular. . . . 2. Searching the Scriptures, by (1) Reading; *constantly*, some part of every Day: *regularly*, all the Bible in order: *carefully*, with Mr. Wesley s Notes: *seriously*, with Prayer before and after: *fruitfully*, immediately practising what you learn there" (pages 24, 25).

"It is our judgment, not hastily but deliberately reached, that the forms for the administration of Baptism and the Lord's Supper and the ordination services cannot be changed by a simple majority vote of the General Conference." [14]

On this ground the College of Bishops, in an official statement unanimously adopted, informed the General Conference of 1918 that a proposed change in the Apostles' Creed could not be made by the General Conference alone, but required the concurrence of the several Annual Conferences.[15]

11. A traveling preacher who refuses to "attend to the work assigned him" may be suspended in the interval of the Annual Conference. It is the duty of the Presiding Elder "to take charge of all the traveling and local preachers and exhorters, and to take care that every part of the Discipline be enforced in his District." The Discipline declares that "when a preacher refuses to attend to the work assigned him he shall be liable to suspension or deposition from the ministry unless he have the consent of the Bishop who made the appointment, or is in charge of the work; and the final determination in all such cases shall be with the Annual Conference." Hence, any preacher or elder, so acting, may be cited by the Presiding Elder of the District to which he belongs, before a committee of traveling preachers, and be suspended, if the committee decide that the law has been violated. "The *final* determination in all such cases is with the Annual Conference."

12. The disciplinary procedure in the case of a preacher who refuses to attend the work assigned him contained a *proviso* that "such cases shall

[14] Journal, 1914, pp. 476, 479, 480, 482. [15] Journal, 1918, p. 145.

not be denied trial by a committee." It was decided that this *proviso* was not intended to invest the accused with a right of choice as to the mode of procedure, but to prescribe the process for "such cases," as appears both in the terms used and the history of the case out of which it had its origin. (College of Bishops, 1891.)

13. The law striking out a fixed sum for support to the preacher, and leaving the stewards to estimate salary, does not give to the minister any right to decline to serve the work to which he is appointed, seeing that he had not before this action of the General Conference the right to decline. (College of Bishops, 1867.)

14. The right is conceded to an Annual Conference, and it has become usage, when an accusation is preferred against a member, and for want of testimony or other cause he cannot be tried during the session, to refer the matter to the Presiding Elder who may have charge of him the ensuing year.[16] The Presiding Elder and the committee called proceed in the interval of the Conference, as in any other case of immorality. If they find a verdict against the accused, he can only be suspended.[17] This investigation having been ordered by the Conference, it is not discretionary with the Presiding Elder, and he should enter upon it without unnecessary delay.

The traveling preacher is under arrest of character from the time of such reference. He cannot receive an appointment, and must be returned in the printed Minutes with this statement of his condition, If a specific charge has been

[16] Baker, p. 154. [17] *Ibid.*

referred, his character is under arrest *quoad hoc;* and if the committee should clear him of that, his character is passed, and he may receive work for the remainder of the ecclesiastical year. In any event, the Presiding Elder must lay before the ensuing Conference the report and action of the committee, with all the testimony taken.

15. Should the General Conference make a material change in the law affecting an incomplete trial, the trial should be stayed. If necessary, proceedings should be conformed to the latter requirement. (College of Bishops, 1879.)

16. If the supposed delinquent flee from trial, the committee should, notwithstanding this "presumptive proof of guilt,"[18] proceed to take all the testimony that is necessary for exhibiting the case fully to the Annual Conference, and justifying their own verdict. The offender who will not face the preliminary investigation may come up to Conference and stand his trial there.

17. Suspension of a preacher after investigation during the year is itself a strong and sufficient notice of trial. (College of Bishops, 1871.)

Though the work of this committee is not even an essential preliminary to the real *trial,* and until the ensuing Annual Conference, no more can be done, in the worst case, than to suspend from ministerial office and Church privileges; nevertheless, this investigation is sometimes spoken of as "a trial." It should be conducted in due form; for the Conference may be held at a distance from the scene of testimony, and the principal witnesses may not be able to attend its session. The committee, on the spot, should be careful and thorough, and an exact record of its proceedings should be kept; for the testimony taken is of the nature of depositions, and the

[18]Discipline.

Conference may have to rely mainly upon it in determining the case. Since 1910 our law has provided for the trial of a member of an Annual Conference in the interval of the Conference. See Journal, 1910, p. 315.

18. When rumors against the moral character of a traveling preacher come to a presiding elder, he must use discretion about appointing a Committee of Investigation, but he is answerable to the Annual Conference for the manner in which he discharges his duty. (College of Bishops, 1901.)

19. A committee of investigation is not to try a case, but to ascertain whether there be a case to be tried. An accused person, if allowed to appear before it to show that no trial is necessary, may not present any testimony in defense. (College of Bishops, 1879.)

20. The Secretary of an Investigating Committee acting in the interval of Annual Conference is to be appointed by the committee from its number. (College of Bishops, 1891.)

21. The acquittal of the accused by the committee does not prevent his being brought before the Conference on the same charge.

Acquittal by a Committee of Trial does not in itself alone restore to membership in an Annual Conference a preacher who with a formal charge of immorality against him presented by a Committee of Investigation has withdrawn from the ministry of the Church. (College of Bishops, 1910.)

During the trial the accused was answerable to the Church for his life and official administration up to the time of his withdrawal from the ministry of the Church. (College of Bishops, 1910.)

The Committee called by the Presiding Elder had a service to perform for "the interval of the Annual Conference" only.

When he has laid the case before the Conference, according to its report—whether favorable or unfavorable—the Conference takes up the case. Since 1886 it has been the law that a trial may be held before the Conference committee on the bill of charges as found and presented by the Presiding Elder's committee. So far from being governed by the report of that committee, or shut up to it, the Conference, if it declare a trial unnecessary, exercises the right of rejecting the report of its own committee and of having a new one appointed to inquire into the facts, and ascertain if a trial be necessary.

22. The committee of trial raised during the session has "full power," and its "decision shall be final," except the right of appeal, which is reserved to the accused. When the report is made to the Conference, through the Secretary, there can be no debate. The committee represents the Annual Conference, and the act of the committee is the act of the Conference. If members are dissatisfied with the verdict or award of the committee, there is no right of appeal, inasmuch as the Conference cannot appeal from itself.[19]

23. Members of a Conference who are dissatisfied with the conclusion of a Committee of Trial cannot take the case before the Conference, nor can they appeal. The Committee of Trial represents the Conference, and the action of the committee is the action of the Conference and of the Church. The accused may appeal, but the Church cannot appeal from its own committee.[20] The report of the committee is final, save the right of appeal by the accused. (College of Bishops, 1867.)

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[19]College of Bishops, 1868.

[20]The Church cannot appeal from the decision of its own committee. (College of Bishops, 1877.)

24. A preacher tried *ad interim* cannot appeal to the Bishop in charge who appointed the committee and its chairman, but to the Committee of Appeals. The decision quoted in the immediately preceding paragraph refers to trials conducted during the session of the Annual Conference. (College of Bishops, 1920.)

25. The committee of trial cannot hold its sessions after the final adjournment of the Conference; for, being the representative of the Conference in session, touching the matter under consideration, the committee cannot survive its final adjournment. Moreover, before it takes effect its report must be made to the Conference, and its decision pronounced from the chair.[21] It follows also that the Annual Conference cannot adjourn after a trial has been found necessary and a bill of charges and specifications framed and presented. In that case nothing remains but a trial, and the Conference cannot be finally adjourned until the trial has been ended by a decision.[22]

26. When an elder or member of an Annual Conference under sentence of expulsion unites with another Christian denomination, and thus rejects the jurisdiction of the Church under whose sentence he lies, and refuses submission to its penalty, he is not entitled to any benefit accruing from his former relation to it. (College of Bishops, 1888.)

27. A Bishop, or a chairman whom the Presi-

[21]This applies only to trials held at the Conference, not trials held *ad interim*. See p. 114.

[22]Baker, p. 159.

dent of the Conference shall appoint, must preside over the committee of trial. The chairman is not a member of the committee, and therefore cannot vote. He is there to see that the law is observed, and is the substitute of the Bishop, who should be kept fully advised of his rulings in the case, and consent to them.[23]

28. As the committee represents the Conference, the chairman represents the president of the Conference, who is responsible for *orderly* proceedings. In conducting the trial the chairman should consult the Bishop, and be in accord and be controlled by his directions. This is necessary to secure *uniformity* of administration. Only the Bishop is responsible to the General Conference; and it may be expedient for him sometimes to preside in the Committee of Trial. (College of Bishops, 1871.)

29. Before the report of a Committee of Trial is presented to an Annual Conference, it should be submitted to the Bishop presiding for an inspection of its legality. (College of Bishops, 1886.)

30. The bishop in charge of an Annual Conference is not responsible for the rulings of the president of a committee of trial appointed to try a traveling preacher in the interval of the Annual Conference sessions. A trial so conducted and its decision are final save as to the right of appeal to the Committee of Appeals. Statements in the decisions of the College of Bishops and of the Manual of the Discipline that the chairman of the com-

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[23]For bill of charges and order of proceedings in a trial, see pp. 117-125.

mittee of trial should consult the bishop in charge and be in accord with him and be controlled by his directions in conducting the trial, refer to trials held during the session of the Conference, and those statements are based on the law as it existed prior to 1910, in which year provision was first made for trials in the interval of the sessions of the Annual Conference. (College of Bishops, 1920.)

31. An Annual Conference to which a traveling preacher offers to surrender his credentials has the option to receive or reject them. (College of Bishops, 1907.)

32. Credentials of an expelled elder cannot be restored until a previous restoration to membership in accordance with the provisions of the Discipline. (College of Bishops, 1888.)

33. A preacher, who had been deposed and deprived of his credentials, was restored by the Quarterly Conference to the ministerial office by a direct action, instead of the usual proceedings of recommendation from his society, examination before the Quarterly Conference, and granting license, as at first. His case was presented to the Annual Conference on application for the restoration of credentials. It was decided that the application could not be entertained. The deposed preacher must be recommended, and examined and licensed, in regular form, in order to bring his case under the provisions of the law for the restoration of credentials. (College of Bishops, 1872.)

34. The recommendation for the restoration of the credentials of a preacher who has been deposed

must be from the Quarterly Conference of the charge where he lives. (College of Bishops, 1899.)

35. A traveling preacher withdrew from the ministry and membership of the Church and surrendered his credentials. He was again admitted on trial, and subsequently the Annual Conference was asked to restore his credentials. The bishop decided and the College approved that his credentials could be restored by the Annual Conference, provided the requirements set forth in the Discipline in the chapter on "The Deprivation and Restoration of Credentials" were met. (College of Bishops, 1911.)

36. "When a traveling preacher is accused of being so unacceptable, inefficient, or secular as to be no longer useful in his work,"[24] "the Conference shall investigate the case in open Conference or through a committee, as the Conference may elect." This is a matter which cannot come before a committee in the interval of Conference. "He may defend himself before the Conference, in person, or by his representative. If it appear that the complaint is well founded, and if he fail to give the Conference satisfactory assurance that he will amend or voluntarily retire, they may locate him, without his consent." (Discipline.)

37. The case of a traveling preacher against whom complaint is made during the session of the Annual Conference may be referred to a committee to report and recommend action thereon, before the accused has had the privilege of reply, and

[24]Baker, p. 158.

before the Conference has decided on the passage of his character. (College of Bishops, 1887.)

This investigation cannot take so definite a shape as a trial, but it should be conducted with that formality necessary to guard against hasty and unjust action. It must not rest entirely upon opinions and sentiments, but the complaint of unacceptability, or inefficiency, or secularity—one, or more, or all these—should be set forth with sufficient allegations of facts and proofs, to give to the accused an opportunity to make his defense, and to the Conference a safe basis of judgment. The Secretary of the Conference should make on his journal a brief but clear statement of the case, and the full minutes and testimony of the case should be recorded in a form that may be authenticated and preserved.

38. The complaint should allege unacceptability, inefficiency, or secularity—one, or more, or all these—and the testimony taken should look, not only to the fact of unacceptability, but to the cause. The vote of the Conference should be taken first on sustaining the complaint. If it be not sustained, the accused cannot be located; if the complaint be sustained, he may have opportunity of retiring voluntarily, or of giving the Conference satisfactory assurance that he will amend. Failing to do this, the Conference may locate him without his consent.

This rule was made in 1836:[25] "What shall be done with a member of an annual conference who conducts himself in a manner which renders him unacceptable to the people as a traveling preacher?" The answer was: "It shall be the duty of the conference to which he belongs to investigate the case, and if it appear that the complaint is well founded, and he does not give the conference satisfaction that he will amend, or voluntarily retire, they may locate him without his con-

[25]Journal, 1836, p. 493.

sent"; and if done in his absence, provision is made for reconsidering the matter at the next session of the conference. In 1866[26] the complaint was made more specific—"so unacceptable, inefficient, or secular, as to be no longer useful in his work." The law was designed to enable an Annual Conference to maintain an active corps of pastors—an itinerant ministry in fact as well as in name. It looks not to putting away those who have been disabled, or who have worn themselves out in its service—for the supernumerary and superannuate relations are still retained; but it looks to relieving the Conference of those who are otherwise unfitted for the connectional pastorate. The operation of the law has not always been successful. In their Address to the General Conference of 1840,[27] the Bishops say: "We invite your particular attention to a review of the process prescribed in the Discipline, in the provision for locating a preacher without his consent." This suggestion seems to have been overlooked. On appeal, most of the locations that have taken place under the rule have been reversed for one cause or other; and the persons whom the Annual Conferences have sought thus to rid themselves of, have been returned upon them by the General Conference. Of the three or four appeals which came up in 1840, only two appear to have been entertained; and the acts of the Annual Conference in those instances were reversed, because "the decision appears from the journals of said Conference to be defective for the want of documentary evidence." (Journal, pp. 65, 85.) An appeal to the General Conference of 1854 was disposed of upon this ground: "That inasmuch as the records do not show the cause for which appellant was located, or the evidence introduced in the case, but simply the fact of his location, therefore the Conference, being unprepared to decide on the merits of the case, do remand it back for a new hearing." (Journal, p. 250.) In 1858 the act of an Annual Conference was reversed because "the location was upon testimony that looks to the fact of unacceptableness, without reference to the

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[26]Journal, 1866, p. 125.

[27]Journal, 1840, p. 143; Discipline, 1820, pp. 65, 66.

cause producing this state of things; and the locating resolution places the fact of unacceptableness upon different ground from that given in the law of the Discipline bearing on the case." (Journal, p. 419.)

It may be well doubted whether the location of a traveling preacher, under this provision, is, or was ever designed to be, an appealable case. No charge of immorality is brought against the person thus disposed of. In the possession of his ministerial character and credentials, he is returned to the honorable ranks whence he came, because the Conference has become convinced of its error in admitting him, or because the disposition and circumstances which once adapted him to its work no longer exist. Annual Conferences are allowed to be the best judges of suitable persons for the itinerant work, and therefore refuse every year to admit some who have served their probation, or to readmit others; and there is no appeal from these decisions. To give to the "investigation" the accuracy and detail of a "trial," as where immorality is alleged, is impracticable. The rule, as it stands in the Discipline, is followed by these words: "In all the above-mentioned cases of trial and conviction, an appeal to the ensuing General Conference shall be allowed," etc. But this relation to the appeal clause may be regarded as an accidental collocation. The proviso for an appeal had stood there since 1792,[28] and was amended in 1820,[29] and looks to trials and convictions followed by expulsions and other censures previously described, and was applicable to them only. This rule, enacted forty years afterwards, contained no allusion to appeal as a part of itself. Three persons, once members of different Annual Conferences—Missouri, Kentucky, and Indiana—came before the General Conference of 1836, "complaining of injustice done them by their several Conferences, in locating them without their consent." Their "communications" were referred to a committee, which, on May 26, reported; and after "considerable time spent in debate on the business," their report, as amended, was adopted, as follows:

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[28]Discipline, 1792, p. 39. [29]Journal, 1820, p. 239.

"1. That the Discipline does not prohibit an annual conference from locating one of its members without his consent.

"2. That there is no provision in the Discipline authorizing a person so located to appeal to the General Conference, nor for any process by which to conduct an appeal in such a case; and that the brethren concerned have, therefore, no legal ground to claim a privilege for which the Discipline, under whose regulations they entered the itinerant field, has made no provision

"3. Your committee believe, moreover, that when it is rendered evident to the satisfaction of an annual conference that one of its members habitually neglects those duties which he engages, on entering the itinerancy, to perform, while in the estimation of the conference he is able to perform them, or otherwise conducts himself in a manner which, though not absolutely criminal in itself, nevertheless renders him unacceptable to the people, and destroys his usefulness among them, he ought to be located, and that provision ought to be made in the Discipline for that purpose. They therefore recommend the adoption of the following." And then follows, in its present place, the rule under consideration. (Journal, 1836, p. 493.)

The General Conference of 1886,[30] in express terms, excepted this case from right of appeal.

39. A traveling preacher is relied on to fill his appointment, to attend to the work assigned him; and unless on account of sickness, debility, or other unavoidable circumstances, the Church regards it as a ministerial offense of high order for him to fail. For this the Conference may suspend, locate, or depose him.

The member of an Annual Conference, as such, has a franchise and prerogative which a local preacher has not, and more is required of him. To him pertains the pastoral care

[30]Journal, 1886, p. 224.

and the administration of discipline. There is a provision for his support by the Church, while in its active service; and also for his wants as a superannuated preacher, and for those of his widow and orphans. He is under vows to "devote himself wholly to God and his work"; and not only to work, but "do that part of the work," and "at those times and places," which the Church judges to be best, and directs through her constituted authorities. He voluntarily continues among those subject to appointment. At any time before the laborers are assigned to the various fields, he could retire regularly. Afterwards, "to refuse to attend to the work assigned" is to be guilty of a breach of his vow, "unless he have the consent of the Bishop who made the appointment, or is in charge of the work." This strikes a vital blow at the itinerant system. If one may do this, so may others; the appointments fall through, the congregations are dispersed, and, by reason of this negligence, great "hurt and hindrance" may befall the Church. He breaks his covenant with the Conference and the Church; and whoever does this is liable to be broken of his office, and even to be degraded from the ministry. The people surrendered their right to supply themselves with a pastor, and looked to the Conference. The Conference engaged to supply them, and looked to this man, and he has not fulfilled his engagement. Every itinerant is under covenant with the Church for pastoral service, at least till the next session of Conference. The Church, as she values her economy, has guarded this point strongly, and whoever violates it ought to be well prepared to answer for it to his brethren. Having refused to keep his appointment, the Conference may place him in the class of ministers who are not subject to appointment; or he may be censured by suspension; or, in an aggravated case of ministerial unfaithfulness, he may be deposed.

SECTION IV

TRIAL OF A BISHOP.

1. The Church has taken care that the General Superintendency shall be *itinerant;* and official

deposition is the penalty provided for a Bishop "who ceases to travel at large," "without the consent of the General Conference."

In 1792[1] the section "Of the Election and Consecration of Bishops, and of their Duty," took its present title. In the Discipline of 1785, p. 11, Q. 28 (the Discipline adopted by the first General Conference), occurs: "*Q.* 28. If the *Superintendent* ceases from Travelling at large among the People, shall he still exercise his Office among us in any Degree? A. If he ceases from Travelling without the Consent of the Conference, he shall not thereafter exercise any ministerial Function whatsoever in our Church." In 1804[2] "office," in Question 5, at that time Question 6, was changed to "Episcopal office," and "any ministerial function whatsoever," in the answer, to "the Episcopal office";[3] and thus it stood in 1808, when the Constitution was adopted, fixing the limits and departments of the Church government. Bishops Coke and Asbury say: "*Our grand plan*, in all its parts, leads to an *itinerant* ministry. Our bishops are *travelling* bishops. All the different orders which compose our conference are engaged in the *travelling line*. Everything is kept moving as far as possible; and we will be bold to say, that, next to the grace of God, there is nothing *like this* for keeping the whole body alive from the center to the circumference, and for the continual extension of the circumference on every hand. . . . The bishops are obliged to travel till the general conference pronounces them worn-out or superannuated: for that certainly is the meaning of the answer to the sixth question of this section. . . . It would be a disgrace to our episcopacy, to have bishops settled on their plantations here and there, evidencing to all the world, that instead of breathing the spirit of their office, they could, without remorse, *lay down their crown*, and bury the most important talents God has given to men. . . . All the episcopal churches in the world are conscious of the dignity of the episcopal office. The greatest part of them endeavor to preserve this dignity by large salaries, splendid dresses,

[1]Discipline, 1792, p. 17. [2]Discipline, 1804, p. 18. [3]Journal, 1804, p. 54.

and other appendages of pomp and splendor. But if an episcopacy has neither the dignity which arises from these worldly trappings, nor that infinitely superior dignity which is the attendant of labor, of suffering, and enduring hardship for the cause of Christ, and of a venerable old age, the concluding scene of a life devoted to the service of God, it instantly becomes the disgrace of a church, and the just ridicule of the world."[4]

2. The General Conference has original jurisdiction in the case of an accused Bishop, and may expel him "for improper conduct, if they see it necessary."

"When the General Conference take a minister from the annual conference, by electing him a bishop, he is no longer responsible at the bar of his annual conference, but they make him responsible to the General Conference, not only for his official acts, but for his ministerial and moral purity."[5] In the Discipline of 1808 the question was asked, "To whom is a bishop amenable for his conduct? *Answer.* To the general conference, who have power to expel him for improper conduct, if they see it necessary."[6] And this was the law from 1784. "Improper conduct, in our Discipline," says Bishop Hedding, "means a small offense below a crime; and though the preachers and private members may be expelled for that kind of offence, when it is persisted in after repeated admonitions, yet no one but a bishop, not even a child or a slave, can be expelled for the first improper act of that character. And if a bishop be expelled, he has no appeal."[7]

On one important point in the above quotation from Bishop Hedding our Church from the beginning, both as a matter of history and of constitutional law, has taken an entirely different ground. Doctor Bascom, in his "Review of the Manifesto of the Majority," pages 145, 146, says: "The rule with regard to 'improper conduct' was adopted in 1785,[8] when the Church was organized, and no other existed

[4]Discipline, 1798, pp. 42-45. [5]Alfred Griffith, in Debates of 1844, p. 85.
[6]Discipline, 1808, p. 18. [7]Hedding, p. 12.
[8]Minutes (Discipline), 1785, Ques. 27, p. 11.

from that period until 1792, and if the construction in question be correct, during this whole term no law of the Church authorized the expulsion of a Bishop for crime, although he might be expelled for the common, if not unavoidable errors of humanity. The first rule was evidently intended as *a general law* for *the trial* of Bishops for 'improper conduct' of *any* kind, from the *lowest* grade requiring notice, to the *highest species of crime*. Hence says Lee in 1792, 'We introduced a *new* rule for the *trial* of Bishops,'[9] obviously regarding the rule of 1784 as a law for the *trial* of an accused Bishop. We consider it a well settled construction, that the phrase 'improper conduct' was used in the legislation of the Church, to cover *all kinds of conduct* inconsistent with Christian or ministerial character, whether applied to Bishops or others. Dr. Emory evidently understood the subject in this light. He says of Bishops, 'This superiority is accorded to them only so long as they are not judged *guilty* of any *improper conduct* requiring their *degradation*,'[10] plainly assuming that the phrase denotes any immoral or other course of conduct requiring suspension from office, or expulsion from the Church. Improper conduct, in the law of trial under notice, is used to denote any kind of conduct in a Bishop, so inconsistent with the purposes of his appointment, and the obligations of his office, as to require the official notice of the Church. Dr. Bangs gives it as the sense and substance of the very law or rule in question, 'if *accused*, the General Conference has power *to try*, censure, acquit, or condemn a Bishop.' The power can only be exercised judicially, by due means of 'accusation and trial.'"[11]

"The phrase, '*improper* tempers, words, or actions,' found elsewhere in the Discipline, has a perfect equivalence of meaning, and yet we know its import is so grave and strong

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[9]Lee's History, p. 182. The italics are Bascom's. Lee says: "for the trial of a bishop."

[10]*The Methodist Magazine and Quarterly Review*, Vol. XII.; New Series, Vol. I., January, 1830, p. 85. The article is entitled "A Reply to Mr. Alexander McCaine: By the Author of 'The Defence of Our Fathers.'" The italics are Bascom's, and there is a slight difference in punctuation.

[11]Bangs, "History of the M. E. Church," Vol. I., p. 248. The italics are Bascom's.

as to be followed by *expulsion* from the Church. By turning to the old Minutes,[12] Lee's History, and contemporary records and journals, it will be found that the terms *disowned*, *dismissed*, *expelled*, and *laid aside*, are used indifferently and interchangeably to denote the same thing, *severance* from the Church. This will not be disputed, and the use of these terms will help us to an understanding of the law we are now examining. Dr. Bangs[13] mentions the *expulsion* of several preachers in 1788, 'for *improper conduct.*' . . . In 1792, Lee[14] informs us, a rule was introduced 'for the *trying* of Traveling Preachers who might be accused of being guilty of "improper conduct,"' and the definition of what is meant by 'improper conduct,' is 'being guilty of some crime expressly forbidden in the word of God, as an unchristian practice, sufficient to exclude a

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[12]Minutes, 1785 (Edition of 1795), pp. 79, 91, "laid aside"; Minutes, 1793, p. 186, Minutes, 1794, p. 202, "dismissed for improper conduct"; Minutes, 1792, p. 170, "expelled." Lee (History, p. 119) says: "One was laid aside or expelled." Of this brother, who was afterwards "restored" (Lee, *op. cit.*, p. 317 (c)), the Minutes, 1785 (Edition of 1795), p. 79, say "laid aside," and the Minutes, 1786 (Edition of 1795), p. 85, give this brother's name among the "elders." The Minutes, 1788 (Edition of 1795), p. 109, name three preachers "who desist from travelling in connection with, and under the direction of, our conference." Lee (History, p. 136), quoting from the Minutes the words above, says: "These three preachers were considered as being expelled from our connection, for improper conduct, though they were entered as desisting from travelling with us." The Minutes, 1795, p. 153, "Quest. 8. What Preachers have withdrawn themselves this year from our Order and Connexion?" Three names are given, and Lee (History, pp. 321, 324) enters all three as "expelled, or considered as turned out from us."

[13]Bangs, "History of the M. E. Church," Vol. I., p. 275. The italics are Bascom's.

[14]Lee's History, p. 187. The italics are Bascom's. Lee, *op. cit.*, p. 187, speaking of Section XIX., Discipline of 1792, p. 38, adopted in that year by the General Conference, says: "We formed a rule for trying of travelling preachers who might be accused of improper conduct. Q. 'What shall be done when an elder, deacon, or preacher is under report of being guilty of *some crime*, expressly forbidden in the word of God, as an unchristian practice sufficient to exclude a person from the kingdom of grace and glory? (Italics Lee's, as in Discipline of 1792.) This Discipline of 1792 has as caption of Section XIX.: "*Of the Method by which immoral Ministers or Preachers shall be brought to trial, found guilty, and reproved, or suspended in the Intervals of the Conferences.*" The footnote to this caption, printed in the Discipline, is "For the trial of a Bishop, see Section IV.," in which occur the words "the General Conference . . . have power to expel him [the Bishop] for improper conduct, if they see it necessary."

person from the kingdom of grace and glory.' The legal use of the phrase has, beyond doubt, covered all the forms of moral delinquency, since its first introduction into the Discipline. The rule for trying a Bishop in the intervals of General Conference, adopted eight years after the first, was obviously intended to supplement and explain the first rule, as both defective and indefinite. Coke and Asbury explain the phrase in the same way; they say the *various means of trial* to which *all of us* are subject,[15] which applied to Bishops, is without truth or meaning, unless our construction be correct, as but *one* mode of trial would be left them, upon the construction we oppose. They also clearly assume, that *any* charge of 'improper conduct' against a Bishop, to be followed by censure or disability of any kind, can only be acted upon in due 'form of trial.'[16] As the explanatory synonym of the phrase 'improper conduct,' they say '*tyrannical* or *immoral* conduct,'[17] as authorizing 'severe censure' and a 'change of men.'[18] 'They are conscious the Conference would neither *degrade* nor *censure* them, unless they (Bishops) deserve it.'[19] 'They are subject to be *tried*.'[20] 'No Bishops on earth are subject to so strict a trial.'[21] 'They are as responsible as any of the Preachers.'[22] The idea of *judicial trial*[23] pervades the whole comment. Finally, they speak of Bishops as liable to

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[15]Discipline, 1798, p. 167. Italics partly Bascom's.

[16]It is important to notice that this requirement of law touching "improper conduct" of members appears in the Discipline of 1788, page 40, and remained in the Discipline through 1844 and beyond (Discipline, 1844, p. 101). The law applying to "improper tempers, words, or actions" in the case of preachers from 1788 states that "a preacher shall be tried," etc. (Discipline, 1788, p. 42; Discipline, 1844, p. 72). In their Notes prepared at the desire of the General Conference of 1796 (Discipline, 1798, p. iv.; Journal, 1800, p. 43), Coke and Asbury say, "He [the preacher accused of "improper tempers, words, or actions"] is to be tried by his elders and equals" (Discipline, 1798, p. 112). In their comments on the section treating of "imprudent conduct" of members, they say: "We bear a constant testimony against *the pleasures* of the world, and therefore should be esteemed, even by our own people, as the greatest of hypocrites, if *we* indulged ourselves in them, and would soon be excluded the connection by the various means of trial to which *all of us* are subject" (Discipline, 1798, p. 167, italics theirs).

[17]Discipline, 1798, p. 42. The italics are Bascom's. [18]*Op. cit.*

[19]Discipline, 1798, p. 42. Italics Bascom's. [20]*Op. cit.* Italics Bascom's.

[21]Discipline, 1798, p. 43. [22]*Op. cit.*, p. 42. [23]*Op. cit.*

be expelled the Church'[24] (not their office merely) on the charge of 'improper conduct.'[25] From all which, it must result inevitably not only that the construction put upon the phrase by the Majority, is an utter misstatement of the law, and perverts it entirely from its original meaning and intention; but that all the ingenuity and artifice expended upon the labored attempt to show that a Bishop of the Methodist Episcopal Church may be laid aside, divested of office, or even expelled the Church, for conduct not involving moral delinquency of any kind, must fall to the ground, without claim to anything like reason or credibility."

3. The Committee on Episcopacy, one of the standing committees of the General Conference, is made up of two delegates, one clerical and one lay,[26] from each Annual Conference, chosen by the respective delegations. "To this committee any preacher or member of the Church may have access, with any complaint he is pleased to prefer." The "private and official conduct" of each of the Bishops, "for the four years next preceding the session," is referred to this committee, and their duty is "to present to the Conference anything they find exceptionable."[27] As the traveling preachers annually, so the Bishops quadrennially, are subjected to the passage of character on the inquiry, Is he blameless in his life and official administration?

"And seeing the Church has intrusted superintendents with important powers, it is admitted this provision is wise and prudent; only it may be doubted whether a Bishop ought not to be furnished with notice, and allowed to be present when

[24]Discipline, 1798 p. 43. [25] *Ibid.*, p. 39, Question 4 and Answer.

[26]Laymen were placed on the Committee on Episcopacy in 1870 for the first time. (Journal, 1870, pp. 156, 157, 159. Three laymen, Byrd, Polk, Brown.)

[27]Hedding, p. 11.

any complaint is about to be preferred against him: for, though a *bill* may not be found against him, so as to bring the question before the conference in his presence, yet the complaint itself, with the statements accompanying it, may make impressions on the minds of some of the committee which may injure the bishop during life."[28]

4. From an early day, in the discipline of our Church, a distinction was made between "improper conduct" and "immorality," and a rule was made for the arrest of an immoral Bishop, "in the interval of the General Conference."

In 1804 the Discipline, page 17, after saying that the General Conference "have power to expel" a Bishop "for improper conduct, if they see it necessary," added the following: "What provision shall be made for the trial of a bishop if he should be accused of immorality in the interval of the General Conference?"[29] And the answer provides for a committee of nine, by whom the accused, if found guilty by a two-thirds vote, could be suspended until the ensuing General Conference. Thus the law stood till 1854. Since 1870, amended in 1894, the law calls for three traveling elders carefully to inquire into the case of a bishop accused of

[28] Hedding, p. 11.

[29] Journal, 1804, p. 56. This provision for trial "in the interval" was first inserted in 1792 (Discipline, 1792, p. 17); but that law gave "three Travelling Elders" the power to "examine him" (the Bishop), "and if the three Elders verily believe that the Bishop is guilty of the crime, they shall call to their aid two Presiding Elders from two districts in the neighborhood of that where the crime was committed, each of which Presiding Elders shall bring with him two Elders, or an Elder and a Deacon. The above-mentioned nine persons shall form a Conference, to examine into the charge brought against the Bishop; and if two-thirds of them verily believe him to be guilty of the crime laid to his charge, they shall have authority to suspend the Bishop till the ensuing General Conference." The General Conference of 1804 did no more than to change the form of the question, and to add to the answer these words: "but no accusation shall be received against a bishop except it be delivered in writing, signed by those who are to prove the crime: and a copy of the accusation shall be given to the accused bishop." (Discipline, 1804, pp. 17, 18.) This addition in the Discipline is amplified from that recorded in the Journal of 1804. (See Journal, 1804, p. 56.)

immorality. "If they believe an investigation necessary, they shall report the matter to another bishop." He must then call together not less than twelve traveling elders. These elders are a committee of investigation, and if two-thirds of them believe a trial necessary the bishop is to be suspended till the next session of the General Conference. This "investigation" by the committee of twelve is limited to *suspension* till the body meets having original jurisdiction, and is analogous to the investigation of the committee in the case of an accused traveling preacher in the interval of the Annual Conference. To the General Conference is reserved the right of arrest or trial upon a charge of "improper conduct," or of trial and expulsion upon a charge either of immorality or of improper conduct.

5. Bishop Soule said before the General Conference of 1844:[30] "It affords me great consolation this day to stand, at least in the judgment of this body, to which I hold myself responsible, and before which I will always be ready to appear to answer any charge they shall prefer against me—I say, it affords me some gratification to have stood acquitted for twenty years in the discharge of the high trust committed to my hands. I had understood, from the beginning, that special provision was provided for the trial of a bishop. The constitution has provided that no preacher, no person was to be deprived of the right of trial, according to the forms of Discipline, and of the right of appeal. . . . It seems to me that the Church has made special provision for the trial of a bishop, for the special reason that the bishop has no appeal."

It has been attempted to conform the trial of a Bishop to

[30] Debates, 1844, p. 169.

other trials, so as to give him the benefit of appeal. A new provision was enacted in 1854,[31] or rather an old committee of investigation was invested with new powers. Among these were: (1) To try and suspend an accused Bishop, "in the interval of the General Conference," for "serious imprudence or immorality." (2) To expel him. (3) To acquit of a charge, so that its sentence might be pleaded in bar of a trial before the General Conference for the same offense. (4) On appeal, the ensuing General Conference is confined, in finally deciding the case, to "the evidence furnished in the minutes of the trial before the inferior tribunal."

It may be doubted, (1) Whether a tribunal of original jurisdiction can thus transfer its powers to an inferior tribunal. (2) Whether the accommodation sought does not put the trial of a Bishop more out of analogy with our law than the single point to be rectified. (See Chapter IV., Sec. 2; Chapter V., Sec. 3.) (3) Whether the law of 1808 needs to be changed, since the introduction of lay delegation into the General Conference, by which the composition of the body has been changed. The danger apprehended from a single house, unchecked, is lessened by the fact that the General Conference, as now constituted, may, upon occasion, be virtually resolved into two houses, and the concurrence of both is necessary to a sentence against an accused Bishop. This may be considered as an equivalent to the right of appeal. The General Conference of 1922 makes the Committee on Episcopacy the committee of investigation. The committee of trial is to consist of twenty-five to be appointed by the president in the chair, or in such manner as the Conference may determine. The decision of that committee is final, save as to the right of appeal to the General Conference."[32]

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[31] Journal, 1854, pp. 354, 355. [32] Journal, 1922, p. 159.

CHAPTER VI.

COMMITTEES OF REVIEW.

SECTION I.

MALADMINISTRATION.

1. THE right is constitutionally secured to members and ministers of this Church, "of trial by a committee and of an appeal," and thus of obtaining relief by the correction of errors of the inferior body. Committees of appeal[1] are arranged accordingly.

2. Maladministration may be found against a ministerial or other Church officer, with or without blame; it may or it may not infer moral obliquity. In the one case, it is sufficient to correct the administration; in the other, not only the administration must be corrected, but the administrator ought to be censured.

Male (Latin), meaning *ill*, or *bad*. *Maladministration*—bad management of business by an officer; ill conduct in performing public duties prescribed by law; not done according to rule.

3. A traveling preacher is amenable to the Annual Conference on a complaint for maladministration. When he has been judged guilty, reproof or suspension is the highest censure which can be inflicted.

4. When it is decided that a pastor has been guilty of maladministration in receiving or expelling a member contrary to rule, this decision has the

[1]The appeal of a member of the Church is to the Quarterly Conference.

effect of restoring the members so expelled, but not of excluding the member so received.

Those who receive, in good faith, the pastors sent them, and are governed by their directions, must not suffer for it. Ecclesiastical rights acquired by the official act of accredited agents cannot be repudiated to the injury of any, while redress must be given to any who have been injured by them.

5. The finding of maladministration against a preacher in charge, in the process of expelling a member, does not have the effect of restoring the character of the member, but simply his membership. He is placed in the position occupied before his trial—that is, he is an accused member under charges, and must be dealt with as such.

6. The question, "What is the law in the case?" which arises in the inquiry whether there has been maladministration or not, must be decided by the President of the Annual Conference. But it is for the Conference to apply the law[2] to the case in hand. Has the preacher acted contrary to the law, or without law? Was his maladministration excusable, or was it due to culpable ignorance, to carelessness, to prejudice, or passion, or a purpose to gratify personal animosity? It is for the Conference to settle these questions, and also what censure, if any, is to be awarded.

7. When an Annual Conference decides that a Presiding Elder has been guilty of maladministration in "all and singular," the proceedings of a Quarterly Conference, by which an ordained local preacher was deprived of his credentials, the effect of such decision operates a nullity on the trial, and leaves

[2]See pp. 24, 25.

the appellant, in regard to membership and office, where he was before the trial began.[3]

SECTION II.

APPEALS.

1. An appeal is a removal from an inferior to a superior body of a cause already decided. It is allowable only where judgment has been rendered and submitted to, and only to the person against whom it has been rendered. As it is a constitutional provision, much margin should be allowed it, and unless upon good grounds, no application for a rehearing on appeal ought to be rejected. The appellate body, of course, must have some discretion, and is not obliged to entertain every appeal that is presented. This "privilege," though it cannot be done away, must nevertheless be defined and regulated in its operation.

2. The appeal must be not only from the lower to the next higher body, but to the next ensuing session of it. An appeal of a member is to the next ensuing Quarterly Conference, of a local preacher to the next ensuing Annual Conference,[1] of a traveling preacher to the next annual meeting of the Committee on Appeals appointed by the General Conference.[2]

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[3] College of Bishops, 1861.

[1] In the Discipline the section "Of the Appeal of a Local Preacher" states, "When the appeal of a local preacher is made, the president shall appoint," etc. In the section "Of the Trial of a Local Preacher" the Discipline states: "An appeal to the ensuing Annual Conference shall be allowed."

[2] Baker, p. 134.

3. That an appeal may be entertained, it is required that notice be given to the committee of trial within a certain time. It is highly proper, also, that the appellant should not only signify his intention to appeal, but at the same time should set forth the grounds on which he appeals.

4. Any material irregularity in the proceedings of the committee of trial—declining to admit important testimony, hurrying to a decision before the testimony is fully taken, or the discovery of new, material testimony, a manifestation of prejudice in the case, or mistake or injustice in the decision of the presiding officer or of the members of the committee of trial, are all proper grounds of appeal.

5. An appellant may ask and obtain redress or relief in the following respects: on a rehearing, the decision of the committee of trial may be reversed upon the merits of the case; or, for cause shown, the trial may be set aside, and the matter sent back for a new trial.[3]

In the trial of a member, the charge of immorality was supported by two specifications. He was found guilty and expelled. An appeal to the Quarterly Conference was taken by the accused, and he urged this plea: "That the specification upon which he was convicted belonged to a grade of offense less than immorality—viz., improper conduct." The Presiding Elder ruled that the charge belonged to one class of offenses and the first specification to another; whereupon the Quarterly Conference, without considering the testimony given at the trial, proceeded to reverse the decision of the committee that tried the case. The matter coming before the President of the ensuing Annual Conference, he decided: "The Quarterly Conference cannot reverse the decision of the committee except

[3]See Hedding, p. 35.

upon the merits of the case. For irregular or illegal proceedings, the proper course is to remand the case for a new trial. A reversal of the verdict ends the case." (College of Bishops, 1876.)

6. When, under the proper forms of law, the appellate body is convinced that wrong has been done to the appellant, and a decision issued unjustly to his damage, through ignorance, or passion, or prejudice, the decision should be reversed. In this case the appellant is reinstated in his former membership and character, without any action of the court from which he took the appeal.

7. When the case is remanded for a new trial, it should proceed as though no trial had previously been held. There must be a new notice to the accused, hearing of witnesses, and rendering of judgment. New charges and specifications may be added to the bill of charges, old ones may be withdrawn; and those conducting the second trial are expected to profit by the miscarriage of the first. "It would be," says Bishop Hedding,[4] "a flagrant proceeding for the adjudicating body, when a case is remanded for a new trial, to reëxpel a member on a verdict of guilt, rendered at a previous trial, without a new hearing of testimony."

8. The body appealed to, and not the one appealed from, judges whether the person has a right to appeal. A person who was tried and censured in his absence and regarded as evading a trial, may be able to show to the appellate body that his absence from the trial was not designed, not a fault on his part, not con-

[4]Quoted by Baker, p. 143.

tumacious. If a majority be convinced that he did not designedly evade a trial, the appeal should be entertained.[5]

9. The appeal does not suspend the *operation* of the decision or sentence appealed from, but only its finality. An expelled member, says Bishop Morris,[6] though he take an appeal, cannot enjoy any privileges of Society until the sentence is reversed by the Quarterly Conference. And if the quarterly report is made before the appeal has issued, the preacher in charge must include him among those expelled from the Church, with a notice of his pending appeal; and if the decision is reversed, the preacher in charge should state the fact of his restoration by the Quarterly Conference.

10. Appeals may be from legal decisions of presiding officers, or from sentences of Church bodies; they may be taken on questions of law or of fact.

11. Appeals of the first kind are from the preacher in charge to the Presiding Elder, from the Presiding Elder to the Bishop, from the Bishop to the College of Bishops; of the second kind, from the select committee or Society to the Quarterly Conference, from the Quarterly Conference to the Annual Conference, from the Annual Conference to the Committee of Appeals appointed by the General Conference.

12. Mode of conducting an appeal before a Quarterly Conference:

(1) A statement or communication from the appellant, setting forth his appeal, and the grounds of it.

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[5] See Baker, pp. 132, 133. [6] Quoted by Baker, p. 141.

(2) The charges and specifications, and the judgment of the committee of trial, are heard.

(3) Inquiry whether conditions of appeal are met.

(4) If admitted, reading the records of the trial.

(5) The appellant, by himself or counsel, is heard.

(6) The committee of trial, by its representative, replies.

(7) The appellant closes.

(8) The appellant retires, and the Conference decides the case.

13. The appeal must be tried on the minutes and records of the body from whose decision the appeal is taken; no other evidence is admissible. If the appellant alleges that he has in his possession new testimony which was not before the committee of trial, and which, in his opinion, would exculpate him from one or more of the charges on which he was condemned, the case may be remanded for a new trial. While such provision is useful in securing justice and equity at the last, appellate bodies should be careful of acting on it, and thus throwing back upon inferior bodies cases for repeated trial which they have once disposed of, thus subjecting them to the trouble and disturbance usually connected with such ordeals. Inquiry should be made, and satisfactorily answered, touching the nature of the new testimony, and why it was not forthcoming at first. A new trial should not be granted on account of new evidence of a mere cumulative sort.[7]

14. When the record upon which the appeal must be conducted is defective—as for instance, important papers referred to are not sent up, or the minutes of the trial below are found defective—the appeal

[7] Journal, 1840, p. 77.

should be entertained nevertheless. To refuse to entertain it might work injustice to the appellant, who is not responsible for the minutes.

"But, as in the appeal of a traveling preacher to the General Conference, and that of a local preacher to the annual conference, the trials proceed on the minutes of the evidence in the preceding trials; so, it appears to me, consistency requires we should proceed in such cases in the quarterly conference. But should it be found that accurate minutes have not been taken in the trial before the society, or the select number, the case should be rererred back for a new trial; that those who did their work carelessly at the first, may have an opportunity of doing it properly, and of being admonished to avoid such errors afterwards. More especially, this course should be taken to give the appellant ample means of obtaining justice."[8]

15. Mode of entertaining an appeal in an Annual Conference:

(1) A statement or communication from the appellant, setting forth his appeal, and the grounds of it.

(2) The charges and specifications, and the judgment of the trial committee, are heard.

(3) Inquiry whether conditions of appeal are met.

(4) If admitted, the case is sent before a committee, as provided in the Discipline.

16. "The person or persons who may enter a complaint against a member of an annual conference, and not sustain such complaint, cannot be admitted to appeal; and the General Conference can have no appellate jurisdiction in such case."[9]

This principle here recognized obtained in the higher bodies some time before it was the rule in the lower ones. The accused only has the right of appeal.[10] As the old English

[8] Hedding, p. 35. [9] Journal, 1832, p. 415.

[10] The Church cannot appeal from the decision of its own committee. (College of Bishops, 1877.)

law has it, "The crown cannot appeal." Contrary to this, the following rule was introduced into the Discipline in 1800,[11] under the section for the trial of members, giving the Church the right of appeal from its own committee. It retained its place until by the General Conference of 1866[12] it was stricken out—"Nevertheless, if in any of the above-mentioned cases the minister or preacher differ in judgment from the majority of the Society, or the select number, concerning the innocence or guilt of the accused person, the trial in such cases may be referred, by the minister or preacher, to the ensuing Quarterly Meeting Conference."

17. When it is found, on complaint of maladministration against a preacher, that he erred in judgment simply, and the Annual Conference passes his character without giving reproof or fixing censure upon him, an appeal cannot be entertained. But if his character has been impeached, his motives impugned, or a censure has been administered, the case may be appealed.

May 17, 1840.—"On motion of D. Ostrander, the Conference resolved to suspend the regular order of business to take up the appeal of Silas Comfort. The appeal was taken up. A letter from the appellant was read, as were also the journals of the Missouri Conference in relation to the case. Bishop Roberts decided that the appeal ought not to be entertained by the General Conference. Moved by Ezra Robinson, that the appeal be entertained. Carried. G. Peck appeared as representative of the appellant, and addressed the Conference in his behalf, and in favor of the appeal. A. Monroe, T. Johnson, and J. Green, delegates from the Missouri Conference, followed in reply, and argued to sustain the decision of the Conference in the premises. G. Peck responded, and concluded the argument in behalf of the appellant." (Journal, p. 57.) After an unusual amount of parliamentary movement,

[11] Discipline, 1801, p. 63. (Journal, 1800, p. 39, differs from the Discipline.
[12] Journal, 1866, pp. 120, 126.

in which much interest in the subject and on collateral questions was manifested, the General Conference reconsidered its action in entertaining the appeal, and on May 26 this motion of D. Ostrander was adopted: "Whereas, it appears from the journal of the Missouri Conference that no censure was fixed upon, nor reproof given to Silas Comfort, in the vote of said Conference, but that he was simply found to have erred in judgment, and his character was passed without censure,—Therefore, after mature deliberation by the General Conference, be it Resolved, That the appeal of Silas Comfort be not entertained."[13]

18. In trying an appeal, the question should always come up on a motion to *reverse* the sentence of the body appealed from, and never on a motion to *affirm* it. This last form of putting the question often leads to confusion; it is irrelevant, and should not be entertained by a presiding officer. The decision of the body appealed from is complete in itself, and stands, unless disturbed by the issue of the appeal. It does not need to be confirmed or affirmed, and any motion to that effect is out of order. None but the party seeking relief can appeal. He comes to have the sentence *reversed;* for this the appeal is entertained; the pleadings are for this. Though the word *reverse* has a negative sound as compared with *affirm*, yet it is, in this connection, really the *affirmative* proposition, and to be first submitted to vote. The body appealed from, through its representatives, answers the appellant by arguments to show why his prayer should *not* be granted. It resists the motion to reverse. If this motion fail to be carried before the appellate body, and no other mo-

[13] Journal, 1840, pp. 80, 81.

tion is made, of course the decision of the body appealed from is a final adjudication, without any motion to that effect; and, in common parlance, we speak of it as *affirmed* by this result—that is, it was *not* reversed. The motion to reverse and to affirm (if allowable) are not, strictly speaking, contradictory, so that the negative of the one necessarily implies the affirmative of the other; for, after the motion to reverse has failed, another may prevail—that for a new trial.

"In all appellate proceedings in our Church courts, the purpose of the appellant is to overthrow or set aside the finding and sentence of the inferior tribunal. Such a result may be reached in either one of two ways: by reversing the decision of the court below, or by remanding the case for a new trial. If the appellate court, on hearing the testimony and pleadings in the case, reverses the decision already had, this reversal is in fact a verdict of acquittal, and not only restores the accused to the rights of membership and privileges of which he may have been deprived by the original trial, but operates as a bar to any further proceedings against him under which he was tried.

"If the case be remanded for a new trial, the appellant is not, by this act of the appellate court, acquitted of the charges against him, but he stands in precisely the same relation to the Church as he did after the charges were preferred against him and before he was tried; that is to say, he stands in the relation of an accused member, or minister, as the case may be. When the case is remanded for a new trial, the accused may be tried on the same charges as in the first trial; or the charges may be amended or modified; or they may be withdrawn and the prosecution abandoned. The withdrawal of the charges is not a bar to their being renewed and prosecuted at a future time.

"If the court having appellate jurisdiction shall neither reverse the decision of the inferior tribunal nor remand the

case for a new trial, the decision of the inferior tribunal stands as the final adjudication of the case, even though a motion in the appellate court to affirm the decision of the court below had been put and lost. It is evident that the appellate tribunal, having acquired entire jurisdiction of the case, are competent to make a final disposition of it, and it is discretionary with them whether they will direct a new trial or decide the case upon the evidence. They should not, however, proceed to a final sentence or determination of the case, and especially to a reversal of the decision of the inferior court where such reversal would take place in consequence of some defect in the proceedings which it is not in the power or jurisdiction of the appellate tribunal to revise, or in a case where the charges and specifications are not sufficient to support the findings. Nor should the appellate court proceed to a final determination of the cause when it is made reasonably apparent that evidence material and relevant to the issue has been excluded from the consideration of the inferior court; for no party ought to be deprived of the benefit of such testimony on a rehearing; and when our appellate tribunals are required simply to examine and revise the decision of subordinate tribunals, and have no authority to hear the case *de novo*, and cannot, therefore, in hearing a case on appeal admit new testimony, in all such cases, simple justice requires that the case be remanded for a new trial. It may be proper to call attention to the fact that it is not every error committed in the course of judicial proceedings that would be a ground for reversing the judgment or sentence, or for granting a new trial. Where the appellate tribunal can see, from the whole record, that substantial justice has been done and that a new trial would result in the same way, they should affirm the proceedings, notwithstanding the error, provided that such error is not of a jurisdictional character."

In the case of Dishon *et al. vs.* Schorr (19 Ills. 62), the Court say: "We can not see wherein injustice has been done the plaintiff, or any such error in any of the proceedings so injuriously affecting them as to warrant a reversal of the judgment even if improper instructions have been given;

yet, if the whole case shows that substantial justice has been done, a judgment will not be disturbed for that cause." [14]

The manner of putting the question to vote has sometimes thrown an appellate body into inextricable confusion, and worked injustice to those seeking relief.

An appeal having been admitted, the appellant states the reasons why his request should be granted. His request is, that the decision of the body below, by which he suffers, should be *reversed*. Holding the affirmative, he therefore opens and closes the discussion. This done, some one moves that the decision of the court below be affirmed—which is, in fact, to violate parliamentary rule, and to put the negative of a proposition first. The question is put. There is a tie vote. As a majority is required to carry a proposition, it is lost. The question is next put on a motion to reverse. The same tie vote. The Conference refuses to affirm or to reverse. Relief from the situation is sought in a motion to remand the case for a new trial. The same tie vote. There is a deadlock. Whereas, if the motion has been held to the only legitimate form—to *reverse*—and there were a tie, the chairman must have declared it lost. Not being reversed, the decision below is final, unless a motion is made and carried to remand for a new trial. This offers the appellant less than the first motion, which has failed; but it is one of the rights of which he ought not to be abridged. An appellate body that would not reverse a decision on the merits of the case, might yet see cause to order a rehearing. If the motion for a new trial meets the same tie vote, it too is lost. The appellant's remedy is at an end, and the case is disposed of. An appeal, if well drawn, generally covers both points; and if the appellate body does not grant the greater, then it prays for the lesser relief.

The most important appeal case in the history of the Church illustrates some of the principles here involved. A member of an Annual Conference was, for cause which seemed to his brethren good and just, "suspended" until the next

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[14] "Ecclesiastical Law and Rules of Evidence with special reference to the Jurisprudence of the Methodist Episcopal Church." By Hon. William J. Henry and Bishop William L. Harris, D.D., LL.D. Revised Edition, 1886, pp. 421, 422.

session, or until he should give to the Episcopacy assurance of his compliance with certain conditions. He appealed to the General Conference of 1844, and was represented before that Conference by one of the ablest constitutional expounders of the Church. The appellant's counsel opened and closed the argument. He concluded his remarks by asking the General Conference to "sustain the appeal, and release" the appellant "from the act" of his Conference "by which he stands suspended from the ministry. But if, after all, you should feel yourself still in difficulty on any one point of argument or testimony out of which the foregoing conclusions arise, then let it be remembered that the reading of the journal shows a manifest informality, while the face of the indictment itself is without all due form of law or usage, and well calculated to embarrass the decision. In view of this fact, the least the appellant has a right to expect is that you should return him for a new trial."[15]

The subject came up with the right presentation. John Early moved "That the act" of the Conference by which appellant "was suspended from his ministerial functions be, and the same is hereby, reversed."[16] The motion was lost by 56 to 117. "The Chair decided that this vote virtually affirmed the action" of the Annual Conference. "W. Capers took an appeal from the decision of the Chair." The decision of the Chair was sustained by 111 to 53.[17] The lines had been drawn on the first appeal, and the same majority that settled it was hardly in condition for an impartial vote on the appeal from the Chair. The parliamentary rule stands, nevertheless, and the ruling of the Chair was according to it, in the absence of *another motion*. But notice of it had been given. W. A. Smith, the counsel for the appellant, thereupon asked the privilege of spreading his protest on the pages of the Journal, for there were members on the floor who, to his own knowledge, voted against the resolution of Mr. Early, because they thought the matter ought to go back to the Annual Conference. By the ruling sustained, the appellant had been cut off even from an application for this lawful remedy.[18]

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[15] Debates, General Conference, 1844, p. 51. [16] Journal, 1844, p. 33.
[17] Journal, 1844, p. 34. [18] Debates, 1844, pp. 51, 52; Journal, 1844, p. 34.

Failure to pursue the proper course in this procedure led to the following entanglement:

"The committee having heard and considered the minutes, documents, and pleadings in the first appeal case of Benjamin T. Roberts, who appeals from the decision of the Genesee Conference whereby he was adjudged to be reprimanded before the Conference, proceeded to vote in the case, with the following result: On the question of affirming, nineteen voted in favor and nineteen against it; on the question of remanding the case for a new trial, the committee voted almost unanimously in the negative; on the question of reversing the action of the Conference, eighteen voted in favor and twenty against; a result which, as the General Conference has decided, leaves the decision of the Genesee Conference as the final adjudication of the case. *Journal of the General Conference for 1860*, p. 252."[19]

The General Conference of the Methodist Episcopal Church adopted the following resolution:

"*Resolved*, That it is the sense of this Conference, that when the motions to affirm, to remand, and to reverse, have been successively put and lost, the decision of the court below stands as the final adjudication of the case. *Journal of General Conference for 1860*, p. 248."[20]

But while this resolution properly sets forth the final result of these several motions, it does not indicate the proper procedure, nor does it show how this troublesome predicament may be avoided.

In October, 1894, the Board of Bishops of the Methodist Episcopal Church made the following decision:

"*When the judgment of lower Court Stands.* 230. If in a case of appeal the motion to reverse the decision of the court below is lost, and also the motion to remand for a new trial, the judgment of the lower court stands."[21]

19. The decision or action of an Annual Conference may not be appealed from by a member, unless he be

[19] Henry and Harris, p. 422, note. [20] Henry and Harris, pp. 421, 422, note.
[21] Rulings by the Bishop. Decisions by the General Conference, April, 1906, p. 122.

under censure by its adverse judgment; nor can he claim the right to arraign his Conference before the General Conference and be heard as appellant. Nevertheless, all the actions and decisions of Annual Conferences come before the General Conference for general review. Their journals must be submitted to the General Conference, which has a standing committee to examine them, and has power to correct errors and irregularities, maintain uniformity, and censure any omissions or delinquencies in these subordinate bodies.

20. "When the Bishop shall have decided a question of law . . . an Annual or District Conference shall have the right to appeal from such decision to the College of Bishops, whose decision in such case shall be final. No Episcopal decision shall be authoritative, except in the case pending, until it shall have been passed upon by the College of Bishops. . . . Each Bishop shall at such [*i. e.*, the semiannual] meetings report in writing all his decisions of law, with a syllabus of each case, made during the year. The College of Bishops shall review these decisions, record its conclusions in a permanent form, and publish semiannually in the *Christian Advocate*, and in such other form as the College shall agree to adopt, its conclusions in each case, together with the syllabus, and these conclusions, when published, shall be authoritative constructions of law." (Discipline.)

21. The right of appeal from the decision of a Bishop belongs only to the Conference over which he is at the time presiding, and cannot be claimed

or exercised by any individual member thereof. (College of Bishops, 1891.)

22. An appeal of a Quarterly Conference from the decision of the Presiding Elder should contain, not an independent history or statement of the matter, but a transcript from its journal. Except in trials, an appeal must be taken by the Quarterly Conference, or by a majority of it, and not by an individual member of that body. (College of Bishops, 1871, 1886.)[22]

23. A member of a Quarterly Conference cannot vote by proxy in a case to be tried on appeal by the said Conference. (College of Bishops, 1897.)

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[22] See page 153 (22).

CHAPTER VII.

CANONS OF TESTIMONY.

SECTION I.

OF WITNESSES.

1. THE laws of evidence, by which a matter of fact is established, have been deduced from the wisdom and experience of ages. They are applicable to ecclesiastical bodies as well as to civil courts. The administrator of discipline will therefore find them useful in judging righteous judgment, and he should have some knowledge of their general principles. All rules of evidence are adopted for practical purposes in the administration of justice and equity, and must be so applied as to promote the ends for which they were designed.[1]

2. All persons of proper age and intelligence are competent witnesses, except atheists and such as do not believe in a future state of rewards and punishments. A civil tribunal would deem those incompetent witnesses who have been made infamous by perjury and other flagrant crimes; nor should they be listened to in an ecclesiastical investigation and trial, unless their statements be corroborated by collateral facts, or their characters have been reformed.[2]

3. Either party has a right to challenge a witness whom he believes incompetent. The presiding officer determines his competency, but it be-

[1] Baker, p. 117. [2] Baker, p. 123; Henry and Harris, p. 108.

longs to the trial body to judge of the degree of credibility to be attached to all testimony.[3]

4. No relationship disqualifies a person from testifying for or against another. The committee will not lose sight of character and circumstances in any case, in determining what weight should be given to evidence.

5. Leading questions are not allowed by a person in the examination of his own witness—a leading question is one which suggests to the witness the desired answer. As, *Did you not see A—— in B—— on Christmas day?* But leading questions are allowable in cross-examination, and in the direct examination where the witness is evidently unfriendly to the party introducing him.[4]

This rule is designed to guard truth and fairness from collusion between a party and his witness. Influenced by friendship or other consideration, a witness may, possibly, consent to lend himself to make up such a case as is wanted by those in whose favor he is called. A hint as to the answer that would be agreeable may unconsciously influence him more than his recollection of the facts. Guided by leading questions, a willing and pliant witness, skillfully handled, might furnish, or contribute to, a system of evidence very different from that which would be furnished by his independent, unprompted statement. But between this witness and the opposite party a mutual understanding is not presumed to exist, and he is allowed in cross-examination to get at the truth as best he may. The same holds good when a witness turns out to be unfavorable, not in his testimony, but in his spirit and temper, to the party that introduced him.

6. The age at which children may be allowed to testify cannot be arbitrarily fixed. Much de-

[3]Baker, p. 123; Henry and Harris, pp. 376, 377. [4]Baker, p. 125.

pends on natural intelligence, education, and mental development, and sensibility of moral obligations.[5] At the age of fourteen it is presumed that every person is competent, until the opposite is shown. Some have been admitted as early as five years old to testify in civil courts.

7. Every witness in an ecclesiastical body is under the strongest moral engagement to tell the truth, the whole truth, and nothing but the truth, according to the best of his knowledge, in the matter concerning which he is called; but he ought not to be put on oath: it can do no good.[6] Such oaths are extrajudicial. "To swear falsely before a court not authorized to administer an oath, is not, in *legal* technicality, perjury."[7]

8. The positive testimony of more than one witness is necessary to destroy the character of a member who meets it with a denial; yet, if circumstantial evidence conclusive of the same general charge be produced in corroboration, the guilt of the accused may be established before a candid and intelligent committee.[8]

Evidence consists either of positive or presumptive proof. The proof is positive when a witness speaks directly to a fact from his own immediate knowledge; and presumptive, when the fact itself is not proved by direct testimony, but is to be inferred from circumstances which either necessarily or usually attend such facts. The latter is also called circumstantial evidence.

9. Witnesses in general must testify to facts within their knowledge; but in some cases they

[5]Henry and Harris, p. 111. [6]Baker, p. 127; Henry and Harris, p. 112.
[7]Baker, p. 127, quoting 2 Caines, p. 91. [8]Baker, p. 121.

are called on to state their opinion or belief—as the testimony of medical men, whether death could be produced by certain causes; or of experts, touching the handwriting of a person which is in question.[9]

10. Common law forbids that a person should testify in a suit where the verdict would, in effect, be for or against himself, and this principle is applicable to Church bodies. If the witness has no other interest in the case than is common to all members of the Church, he is not disqualified.[10]

11. A member of the committee of trial may testify as a witness without being disqualified thereby for sitting on the committee. But, in the trial of a member, if the pastor be a principal witness against any of his flock, the Presiding Elder should make another minister preacher in charge and president of the trial. It is not expedient that the same person should be both judge and witness.[11]

12. "Evidence of the good character" of a witness "is inadmissable when his general character for veracity has not been" directly "impeached, even" though "an attempt is made to prove facts inconsistent with" his statements.[12]

13. A witness is directly impeached when his general reputation for veracity is questioned. In such case, particular facts should not be admitted in testimony, but only evidence of his general character for truth. The reason is, that every man may be supposed capable of supporting his general character; but it is not likely he should

[9]Baker, pp. 125, 126. [10]Baker, p. 121. [11]Baker, pp. 123, 124.
[12]Baker, p. 127.

be ready to answer to particular allegations, without notice.[13]

14. A person cannot be permitted to produce *general* evidence to discredit his own witness. "This would enable him to destroy the witness, if he spoke against him, and to make him a good witness if he spoke for him, with the means in his hands of destroying his credit if he spoke against him."[14]

The meaning of this rule is, that a person calling a witness, and finding his testimony unexpectedly unfavorable, cannot impeach the witness by proving him to be of such a bad character as to be unworthy of credit. But if a witness state facts against the interest of the person that called him, another witness may be called by the same person to disprove or correct the statements. The last witness is called to correct some supposed misstatement or to rectify an error: the object is not to discredit the first witness, and the impeachment of his credit is incidental only and consequential.[15]

15. A member of our Church cannot be allowed to be impeached as a witness, but the facts stated by him may be disproved by the testimony of other witnesses.[16]

16. There is no power in the Church that can compel a witness to answer questions. The presiding officer in a Church trial may decide that a question is improper, and the witness with propriety may decline to answer. In Church trials a witness is not bound to reveal confidential communications made to him as an intimate friend,

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[13]Baker, pp. 127, 128.
[14]Philips on Evidence, Vol. I., p. 308. (Quotation not found—a misprint.)
[15]Henry and Harris, pp. 389, 390, and notes. [16]Baker, p. 128.

or as an adviser or representative. (College of Bishops, 1858.)

17. The records of any regular Church body, whether of investigation or of original jurisdiction, if properly authenticated by the Secretary and President, should be received in evidence in any other Church body.

18. A difference between witnesses on points of little importance affords no reason to suspect their veracity. These variations in testimony occur every day in the transactions of life, and may be explained on the commonest principles of human nature. Men relate facts as they see them from their point of view and as they remember them; and the powers of observation and memory are different. It is too exact a coincidence among witnesses in minute particulars that excites suspicion of collusion and contrivance. It would be impossible to establish the truth of any material fact, if a disagreement of witnesses in minute points should be considered as annihilating the weight of their evidence on points of importance.

19. "The circumstances of the case, the probable or improbable nature of the facts detailed, the character of the witness, the manner of his giving testimony, must all be taken into consideration, and ought, after being weighed, to carry conviction to the minds of the jury before they give it [the testimony] an effect by their verdict. Should a witness relate a fact which, from its improbable nature, or from the badness of the character of the witness, taken together with the circumstances in the case, on due consideration, does not carry

a belief of the fact home to the minds of the jury, but, on the other hand, they believe what the witness hath related is false,—in that case what he has said is no evidence to them, and they are not bound to give any weight to it; but, on the contrary, if they act upon it, or rather make up their verdict upon it, such conduct is a departure from their duty, and little short of a violation of their oath."[17]

20. It has been a rule of this Church since 1788 that "valid witnesses from without shall not be rejected, if a majority believe them to be true."[18] Members of other Churches, and those persons who are not members of any Church, if of reputation for veracity, are competent to testify in any Church body.

21. It is the character of witnesses and the character of their evidence, and not their number, that ought to prevail. The number of witnesses is not more conclusive on a subject of proof than the number of arguments is on a subject of reasoning.

SECTION II.

EVIDENCE.

The production of evidence is governed by certain principles, which may be comprehended under four heads:

I. The first is, that the burden of proving a

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[17]Baker, pp. 105, 106, quoting Chief Justice Pennington.
[18]Discipline, 1788, p. 40.

proposition or issue lies on the person making the assertion.

(1) No person is required to explain or make defense until enough has been proved to warrant a reasonable conclusion against him, in the absence of explanation or contradiction.

(2) The obligation of proof lies on the person making the allegation. It is generally sufficient to oppose a simple denial until evidence is adduced. As the person making the assertion is entitled to open and close the argument, he must bring forward his evidence before any defense is made. It may be impossible to prove a negative, but he who alleges a complaint or charge must make it out.[1]

II. "The evidence must correspond with the allegations, and be confined to the point at issue."[2]

(1) Irrelevant facts tend to draw away the mind of the committee from the point in issue, and are unjust to the accused, since he cannot be supposed to have prepared himself to meet anything except what is contained in the bill of charges. Frivolous and irrelevant questions to witnesses should be ruled out.

(2) A judicious presiding officer will not too rigidly construe this rule. It does not require that the evidence offered should bear *directly* on the case. It is admissible if it tends to prove the issue, or constitutes a link in the chain of proof, although alone it might not justify a decision in accordance with it.[3]

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[1] Baker, p. 119. [2] Baker, p. 117. [3] Baker, p. 117.

III. "It is sufficient if the substance only of the allegation or issue is proved."[4]

(1) In a bill of charges the specifications are sometimes drawn out with needless particularity; and if the committee be not judicious as well as conscientious, a proceeding instituted to protect public morals may be balked by its very carefulness. "The civil law makes a distinction between allegations of matter of *substance*, and allegations of matter of *essential description*."[5] The latter must be proved with literal precision, but it is sufficient if the former be substantially proved. Ecclesiastical trials generally turn upon the matter of substance. For instance: "If, in an action for malicious prosecution, the plaintiff alleges that he was acquitted of the charge on a certain day, here the substance of the allegation is the acquittal; and it is sufficient if this fact he proved on any day, the time not being material."[6] "If the averment is divisible, and enough is proved to constitute an offence, it would be deemed sufficient, both in a civil and ecclesiastical court, that one part merely was proved. Thus an indictment for stealing two notes of equal value would be sustained if the evidence only proved that one note was stolen,"[7] or that two were stolen, but of different values.

(2) Where the subject is indivisible, as, for example, the consideration of a contract, a variance between the proof and the allegation is fatal. The conditions of a contract are material, the descrip-

[4] Baker, p. 118. [5] Baker, p. 118.
[6] Quoted by Baker, p. 118, but no authority given. [7] Baker, p. 118.

tions are essential, including the time, manner, and circumstances of it. The entire consideration must be stated, and the entire act to be done in virtue of such consideration; and with all the parts of the proposition thus stated, the proof must agree.[8]

(3) "There is a material distinction between redundancy in the allegation, and redundancy in the proof." In the former case, "a variance between the allegations and the proof, under most circumstances, will be fatal if the redundant allegation is descriptive of that which is essential; but" in the latter case, redundancy "can never vitiate, because more is proved than is alleged, unless the matter superfluously proved goes to contradict some essential part of the allegation."[9]

IV. The best evidence of which the case, in its nature, is susceptible, must always be brought forward.

(1) This rule forbids the reception of that evidence which is merely substitutionary in its nature, so long as the original can be had. It excludes that evidence which itself indicates the existence of more original sources of information in the possession of the person, and is adopted for the prevention of fraud. Oral testimony cannot be substituted for documentary, when the documents may be procured.[10] The best proof of the contents of a contract, or letter, is the document itself. But where a person, withholding this, of-

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[8] Henry and Harris, pp. 250, 251.

[9] Henry and Harris, p. 252, and cases cited. [10] Baker, p. 119.

fers to prove the contents or nature of the document by witnesses, his design is sinister. He fears the document will frustrate him by its whole truth. Where there is no suppression or substitution of evidence, but only a selection of weaker instead of stronger proofs, or an omission to supply all the proofs capable of being produced, the rule is not infringed.

(2) Until it is shown that the production of the primary evidence is out of the person's power, no other proof is, in general, admitted.

(3) An agreement on both sides not to introduce *ex parte* testimony may be waived by mutual consent, and such testimony may be introduced subject to the decision of the president of the committee. An episcopal decision often quoted allows the introduction of *ex parte* testimony in certain cases, *some* of which it specifies. The records and usage of the Church everywhere justify *ex parte* testimony, provided the rights of all parties concerned are protected as far as possible. (College of Bishops, 1858.) [11]

(4) Only when the person offering *ex parte* affidavits, certified letters, or letters whose signatures are proven by one or more persons other than the writer, establishes the fact that due effort has been made to have the witness cross-examined, are such affidavits and letters admissible evidence. Willful negligence, on the part of the one offering such evidence, to give to the other person

11 "We have no rule making it illegal to admit what is called *ex parte* evidence." McKendree, in 1833, quoted in Paine, "Life and Times of William McKendree," Vol. II., p. 186. See p. 118.

concerned the opportunity to cross-examine the witness, is a bar to its admission. What weight, if any, is to be given to *ex parte* affidavits and certified letters is to be decided by the committee. (College of Bishops, 1914.)

(5) A private letter, not before the Committee of Investigation, may be introduced as evidence before the Committee of Trial, even though it deal not explicitly with the charges and specifications. (College of Bishops, 1897.)

(6) "A mere voluntary *ex parte* affidavit of a third person, neither a party nor a witness in the cause, is not, as a general rule, admissible as evidence. It is at most regarded as only hearsay evidence, and it differs from a deposition, properly so called, in two essential particulars: first, depositions are taken by some court or by an express authority derived therefrom, or under some statute; and, second, they are always taken upon actual notice to the adverse party if practicable. But a voluntary affidavit is sometimes admissible as a declaration."[12]

SECTION III.

HEARSAY EVIDENCE.

1. The term *hearsay* denotes that sort of evidence which "does not derive its value solely from the credit to be given the witness himself, but rests also, in part, on the veracity"[1] and competency of some other witness. It is universally held by

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[12] Henry and Harris, p. 373, and case cited. [1] Baker, p. 120.

the civil law as insufficient to establish any fact which can be proved by living witnesses. "If," says Justice Buller, "the first speech were without oath, another oath that there was such speech makes it no more than a bare speaking, and so of no value in a court of justice."[2] In the following cases it may be received:

(1) "Declarations and entries made by persons, since deceased, and against the interests of the persons making them at the time they were made."[3]

(2) Dying declarations of sane persons, made under a sense of impending death.

(3) "The testimony of deceased witnesses given in a former action between the same parties,"[4] and on the same case.

2. That sort of second-hand evidence termed hearsay is open to many objections. It is found indispensable as a test of truth, and to the ends of justice, that every living witness—aside from speaking under the obligations of oath, expressed or implied—should, if possible, be subjected to the ordeal of a cross-examination, that it may appear what were his powers of perception, his opportunities for observation, his attentiveness in observing, the strength of his recollection, and his disposition to speak the truth. But testimony from the relation of third persons, even where the informant is known, cannot be subjected to this test. Nor is it often possible to ascertain through whom or how many persons the narrative has been transmitted, from the original witness of the fact.

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[2] Baker, p. 120, quoting "Bull. N. P., 294." [3] Baker, p. 120.
[4] Baker, pp. 120, 121.

When we reflect upon the inaccuracy of many witnesses, in their original comprehension of a conversation; their extreme liability to mingle subsequent facts or contemporary statements with the original; the impossibility of recollecting the precise terms used by the person, or of translating them by exact equivalents, we must conclude —even in the absence of corruption and fraudulent intent—that there is little if any substantial reliance upon this class of testimony.

3. It does not follow always, because the words in question are those of a third person, not under oath, that therefore they are to be considered hearsay, and inadmissible as proof. On the contrary, it often happens that the very fact in controversy is whether such words were spoken, and not whether such words were true—as in cases of slander, blasphemy, falsehood, and evil-speaking—or other cases, where words spoken may be natural concomitants of the principal fact in controversy. In all such cases, words heard and testified to are not within the meaning of hearsay evidence, but are original and independent facts, admissible in proof of the issue.

SECTION IV.

CONFESSIONS.

1. Deliberate confessions of guilt are among the most effectual proofs. Their value depends on the supposition that they are voluntary, and on the presumption that a rational being will not make admissions prejudicial to his own interest

and character, unless urged by the promptings of truth and conscience.

2. Confessions are divided by the law into two classes—*judicial* and *extrajudicial*. Judicial confessions are those made in court in the course of trial, or the plea of guilty in response to an indictment. Extrajudicial confessions are those made by the person elsewhere than before the court of trial; and this term embraces not only express confessions of crime, but all those admissions from which guilt may be inferred. All confessions of the latter kind are receivable in evidence, being provable like other facts, to be weighed by a jury. But it should not be forgotten that extrajudicial confessions, uncorroborated by other proof, have some of the vicious qualities of hearsay evidence, and are not entitled to a high rank in evidence.

3. In the proof of confessions and admissions made by the accused person, the *whole of what he said* should be taken together, and not a part only. If after the whole statement is given in evidence the accused can contradict any part of it, he is at liberty to do so. All the parts of a confession may not be entitled to equal credit. The committee may believe that part which is against the accused, and reject that which is in his favor, if they see sufficient grounds for so doing.

SECTION IV.

DEPOSITIONS.

1. Whenever practicable, witnesses should give their testimony in the presence of the committee;

but, inasmuch as ecclesiastical bodies have no power to compel their attendance, it may become necessary to take depositions.[1]

2. If there be ground to suppose that the attendance of an important witness cannot be had on the trial, it is proper for either person to apply to the committee when it is in session; or, if not, to the President thereof, who may appoint some judicious person a commissioner, or act as such himself, to take the deposition of such witness; of which commission, and of the time and place of its meeting, due notice must be given to the opposite party, that he may have an opportunity of attending. Depositions should be rejected if it appear that the opposite party had not due notice and opportunity to be present.[2]

3. After the direct testimony of the deponent is written, the person applying for the commission is allowed first to examine him; and then the adverse person may cross-examine him. After which, either person may propose such other interrogatories as the case may require.[3]

4. "If any question is objected to by either party, as being leading, or irrelevant, or hearsay, or relating to matters of opinion, this should be noted under the question, and previous to the writing of the answer."[4]

5. After the deposition is written, it should be read to the deponent, and signed by him. "A note should be appended to every deposition stat-

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[1] Baker, p. 128; Henry and Harris, pp. 367, 368. [2] Baker, p. 131.
[3] Baker, p. 130. [4] Baker, p. 130.

ing the reason of its being taken, and whether the adverse party was duly notified, and attended."[5]

6. "Depositions should be sealed up by the person taking them, and remain sealed until opened by the proper authorities,"[6] before the committee.

[5] Baker, p. 130. [6] Baker, p. 131.

CHAPTER VIII.

RULES OF ORGANIZATION.

1. A Conference is organized when it is provided with suitable officers, as organs or instruments of action. Every deliberative assembly needs at least a presiding and a recording officer—one to keep order, and see that all business is brought forward and dispatched in a regular manner; the other to keep a journal of what is done. These officers are usually denominated President and Secretary.

2. Most Church assemblies of Methodism are in part organized on meeting. Some one is empowered, *ex officio*, to act as President. Whether permanent or *pro tem.*, the presiding officer, in completing the organization of a Conference, should entertain no motion that is not strictly germane to this business. It is primary and paramount. No Conference can properly enter upon any business until it is organized.

The manner of organizing the first delegated General Conference[1] was: Bishop Asbury, the Senior Superintendent, in the chair, conducted the opening religious service. A Secretary *pro tem.* was then appointed. The several Annual Conferences were called, and delegates presented their certificates of election, which were read by the Secretary. The roll having been completed, and the number present ascertained, the General Conference adjourned, and on next day completed its organization by the election of a permanent Secretary. In 1844,[2] at 9 A.M., May 1, Bishop Soule took the chair, and opened the Conference by reading the Scriptures

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[1]Journal, 1812, p. 89. [2]Journal, 1844, p. 3.

and hymn. "Brothers Pickering and Capers called upon God in prayer." "The Secretaries of the last General Conference were then requested to assist in organizing the Conference. The Chair called the different Annual Conferences in order"; and the delegates "presented to the Secretaries their certificates of election," and the roll was made up. Having ascertained a quorum to be present, the General Conference proceeded to the election of a Secretary and assistants. In 1866[3] the session was opened by Bishop Andrew. "The Secretary of the last Conference called the list of Annual Conferences," and delegates "presented their vouchers of election"; after which the Secretary was elected. More than once the Secretaries of the General Conference have not been members of that body.

3. If a quorum be not present, the organization cannot be perfected; nor can business subsequently be proceeded with when the members present are reduced below a quorum. The presiding officer must suspend business immediately when notice is taken that the number present has fallen below a quorum. A smaller number than a quorum may adjourn from time to time.

4. An Annual Conference has no quorum; any number of its members, met at the time and place appointed, are competent to organize and proceed to business. But, as a portion of its membership is elective, and these have a right to participate in the organization, the names of those present must be recognized and enrolled before the Conference organization can be completed.

The usual manner of organizing an Annual Conference is this: The President in the chair, after suitable religious service, requests the Secretary of the last session of the Conference to

[3]Journal, 1866, pp. 9, 10.

call the roll of clerical members. In his absence, a Secretary *pro tem.* is appointed, generally by nomination and election. The Districts are then called, and the Presiding Elder of each presents the names and certificates of the eight lay delegates elected. They are enrolled, the absent as well as the present. Having ascertained its membership, the Conference proceeds to finish its organization by the election of a Secretary. This done, it is ready for business. The names of reserve delegates, who are present and propose to take part in the organization, should be announced and vouched for after the names of principals have been entered and their absence declared. If reserve delegates subsequently arrive, they are admitted by announcement and consent, without a vote, unless opposition be made. If they retire upon the coming of their principals, the act must be duly notified to the Conference, and the Journal should show it.

In the absence of a Bishop, the organization is by temporary officers. At the proper time, the Presiding Elder of the District in which the Conference meets, or some other member of age, calls to order and nominates a traveling elder as President *pro tem.*, putting the question on his own nomination, and announcing the result. If other nominations, in addition to his own, are made, the names should be submitted by him to the Conference in the order in which they are nominated. When a majority of votes is given for any one, he should be declared elected, and invited to the chair, without voting on the other names. The President *pro tem.* having taken the chair, conducts the religious service of the occasion, or calls upon some competent person to do so. A Secretary *pro tem.* is appointed, and the roll of members made out; after which a permanent President is elected by ballot without debate from among the traveling elders, who at once takes his seat, and the organization is completed by the election of a permanent Secretary.

5. The District Conference, like the Annual Conference, has no quorum. In the absence of a Bishop or the Presiding Elder, it elects its own President, from its membership.

6. The Quarterly Conference is not elective, in whole or in part, as are the General and Annual and District Conferences. Its members are such, *ex officio*. Its President is designated by office, and never voted for. With the election of a Secretary, its organization is finished. Its roll call should consist of the members belonging to the body, and not merely of those present.

CHAPTER IX.

RULES OF ORDER ADOPTED BY THE GENERAL CONFERENCE OF 1922.[1]

RULE 1. The daily meeting shall be from 9 A.M. to 12:30 P.M., until otherwise ordered by a majority vote.

RULE 2. No alternate shall have the privilege of membership until his name has been announced.

RULE 3. The Secretaries shall constitute the committee for distributing the Episcopal Address, and the adoption of their report shall be notification to the committee.

RULE 4. The members of any special committee shall be named by the bishop presiding when the committee is ordered, unless otherwise directed by the Conference.

RULE 5. After religious service, the regular meeting shall be conducted in the following order:

(1) For the first two days only, calling the roll of members and alternates.

(2) Reading the journal of the previous meeting or meetings.

(3) For the first four daily sessions, Sundays ex-

[1]Each General Conference adopts its own Rules of Order, the basis being the Rules of the preceding General Conference. In 1910 J. E. Harrison's proposed Rules of Order, adapting and amending the Rules previously used, were adopted. (See his "Parliamentary Usage of the General Conference M. E. Church, South," Edition 1913, p. 14.) Careful study of the authorities on Parliamentary Law will show a number of amendments and additions to the usual methods of parliamentary procedure. The needs of the Church have led to these innovations, and experience has proven them to be well adapted to the quick and orderly transaction of our business.

cepted, alphabetical call of the Conferences for appeals, memorials, petitions, and resolutions proposing changes in the Discipline. After the expiration of the first four days of the session the order shall be as follows: All appeals, memorials, petitions, and resolutions proposing changes in the Discipline shall be placed in the hands of the Secretary by 9:30 A.M., and upon call of the third item of the Order of Business the Secretary shall proceed at once to read the captions of such papers in his hands for reference to the proper committees.

(4) For the first ten daily sessions, Sundays excluded, reports from commissions, boards, and connectional officers.

(5) Reports from standing committees.

(6) Reports from special committees.

(7) Calendar.

RULE 6. A motion to adjourn shall not be debatable, and shall be in order at any time except (1) when a member has the floor; (2) when a vote is being taken;[2] (3) when the pending[3] or previous question[4] has been ordered and voting under it has

[2]The motion to adjourn "is in order after the vote has been taken and before it has been announced. In this latter case when the business is resumed, the vote shall be announced." Robert's Pocket Manual of Rules of Order, p. 39.

[3]The "pending question" was introduced among us in 1898 on the motion of W. W. Smith and J. Powell Garland (Journal, 1898, pp. 41, 67, 71). So far as the authorities consulted show, this question is an innovation in parliamentary practice. It has been a beneficial innovation. It is a subsidiary question and takes precedence of all other subsidiary questions, except the motion to lay on the table. Its adoption calls for a vote without further debate, and it applies solely to the question before the Conference—amendment to the amendment, or the amendment, or whatever the question may be.

[4]"This kind of question is understood by Mr. Hatsell to have been introduced in 1604. 2. *Hats.*, 80. Sir Henry Vane introduced it. 2 *Gray*, 113, 114; 3 *Gray*, 384. When the question is put in this form, 'Shall the main question be put?' a determination in the negative suppressed the main question during the ses-

not been completed; (4) when no business has been

sion; but since the words 'now put' are used, they exclude it for the present only; formerly, indeed, only till the present debate was over (4 *Gray*, 43), but now for that day and no longer. 2 *Gray*, 113, 114.

"Before the question 'Whether the main question shall now be put?' any person might formerly have spoken to the main question, because otherwise he would be precluded from speaking to it at all. *Mem. in Hakew.*, 28.

"The proper occasion for the previous question is when a subject is brought forward of a delicate nature as to high personages, etc., or the discussion of which may call forth observations which might be of injurious consequences. Then the previous question is proposed; and in modern usuage, the discussion of the main question is suspended, and the debate confined to the previous question. The use of it has been extended abusively to other cases; but in these it has been an embarrassing procedure; its uses would be as well answered by other more simple parliamentary forms, and therefore it should not be favored, but restricted within as narrow limits as possible."—Jefferson's Manual of Parliamentary Practice, Sec. XXXIV.

"The object of a call for the previous question is generally to wind up an unprofitable debate, and take immediate action on the subject. The motion that the question shall now be put arrests further discussion on amendment.

"If the motion be decided in the negative, the debate continues; if in the affirmative, the vote must be at once taken, after the form in which the question stands. If there be no subsidiary questions pending, then the vote is on the main question; but should it be encumbered with these, they are to be disposed of in their order till the main question is reached, unless in the meantime it is disposed of.

"The previous question cannot be amended; neither can any motion intervene after it is decided in the affirmative, unless it be to determine that the yeas and nays be recorded. The house has ordered the question *now* to be put; and as the present instant is but one, it cannot be modified before the vote, nor deferred after it. To wait till the afternoon or to-morrow, is a contradiction.

"Whenever a member shall move that 'the question be now put,' the President must, without debate, put the motion. If the call be sustained, the vote must immediately be taken on the pending question, whatever it may be, without further debate."

"The previous question is special, and cannot be used unless the Rules of the body provide for it. Neither is a motion in order to conclude the debate and take the vote at some hour *near at hand*, unless the Rules contain the previous question.

"May 28, 1844 (Afternoon Session).—'Mr. Crandall moved that the debate be closed, and the vote on the question taken at half-past five o'clock this afternoon.' . . . 'Mr. Early moved that the motion lie on the table, which was lost.' . . . 'Mr. Collins inquired if the motion was in order; it was equivalent to the previous question. Bishop Waugh said the General Conference had no rule or express provision on the subject. . . . Now that the point of order was raised, he confessed his inability to decide. Usage and analogy would decide that it was out of order. After consulting with his colleagues, the president said

transacted since the motion to adjourn was voted down.[5]

RULE 7. Reports, resolutions, appeals, petitions, memorials, and substitutes, together with amendments proposing changes in the Discipline, shall be written and in triplicate and have written on the back of them the subject to which they relate, the Conference, Church, or names of two individuals presenting the paper, and the committee to which it is referred.

RULE 8. (a) Reports from the Committee on Episcopacy approving by name the character of the bishops, making apportionments to the bishops and to the widows and orphans of deceased bishops, are final.[6]

(b) Reports from committees (and minority reports) recommending concurrence in proposed changes of the Discipline shall give chapter, section, and paragraph to be affected and the language as it will read when adopted, and shall be placed on the Calendar in order of their being announced,[7] subject to consideration during or after the next daily meeting.

(c) Reports from committees, and all other papers

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two of them were doubtful upon the subject. He should decide that it was out of order.' On appeal, 'the conference supported the decision of the chair' by a large vote, and the debate was resumed. May 29, the order of the day was suspended, and a rule for the previous question when sustained by a two-thirds vote adopted." (Debates, p. 159; Journal, 1844, p. 72.)—McTyeire's Rules of Order, in Manual of the Discipline, 16th Edition, pp. 257, 259.

See Robert's Pocket Manual of Rules of Order, pp. 56, 57, notes 118, 119. Unless specific provision to the contrary be made, a two-thirds vote is required to order the previous question. This is to protect the minority. (Jefferson, Manual of Parliamentary Practice, Sec. 1; Robert's Rules of Order, p. 56.) Our Rule requires only a majority vote to order the previous question. See Rule 18 (c).

[5]These exceptions were first enumerated in 1910. Journal, 1910, p. 19.

[6]Introduced in 1910. Journal, 1910, p. 20. [7]Journal, 1922, p. 89.

which propose an alteration in the Restrictive Rules of the Church, shall state the alteration proposed to be made, and the form of the motion shall be: "Will the General Conference recommend to the Annual Conferences the change indicated above?"[8]

(d) The adoption of the report recommending concurrence shall constitute legal enactment.[9]

(e) A committee's report recommending nonconcurrence shall be subject to immediate consideration on completion of the daily call for reports from standing and special committees, unless there be a minority report or a motion to substitute concurrence, in which case both reports, the committee's report together with a motion to substitute concurrence, shall be placed on the Calendar.[10]

(f) Every committee of the General Conference is hereby authorized to delegate to the chairman and secretary of the committee the duty of preparing and presenting to the General Conference the action taken by the committee on any given subject, and every committee is also authorized to grant to a minority of the committee[11] the right to draft and to present to the General Conference a minority report, without reading the same before the full committee, provided the substance of the said minority report has been stated to the committee.

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[8] Introduced in 1914, on the motion of James Cannon, Jr. Journal, 1914, p. 173.

[9] This was introduced in 1914 (Journal, 1914, p. 111, compared with Journal, 1910, p. 79), and was adopted to meet a possible legal difficulty. See J. E. Harrison's "Parliamentary Usage of the General Conference M. E. Church, South," Edition 1913, pp. 12, 13; *Daily Christian Advocate*, 1914, p. 33.

[10] Journal, 1922, p. 123.

[11] This privilege was introduced in the Rules in 1918. Journal, 1918, p. 36, compared with Journal, 1914, pp. 110, 111.

RULE 9. The bishop presiding shall be the legal president of the Conference. He shall decide points of order raised by members and shall rule on questions of order not raised by members, as he deems necessary to conform to these Rules of Order, subject, in both cases, to an appeal to the Conference by any member without a second,[12] which appeal shall be decided by a vote without debate, except that the appellant and the Chairman shall each have five minutes for a statement.

RULE 10. When the Chairman stands at his place and calls the Conference to be in order, no member shall speak, address the Chair, or stand while the Chairman stands.[13]

RULE 11. (a) A member shall not speak, make a motion, or offer a paper without first having the floor, which shall be given by the Chairman calling his name or announcing him from a certain Conference.[14]

(b) A member on the floor may not be interrupted without his consent, except to call him to order, to raise a question of general privilege, to announce the time for a special order, or to correct misrepresentations.[15]

(c) No member shall speak a second time on the same question if any member who has not spoken

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[12]This is an innovation introduced in 1910, and clarified in 1918. (See Robert's Rules of Order, p. 30; Journal, 1910, p. 17.) Other exceptions to the need of a second are, a call for the orders of the day, an objection to the consideration of the question, the question of no quorum (see p. 207), a call to order, a call for a division, and questions of routine. Robert's Rules of Order, pp. 8, 9, 30; Jefferson's Manual of Parliamentary Practice, Secs. XVIII., XX.

[13]Introduced in 1914. Journal, 1914, p. 111.

[14]*Ibid.*

[15]*Ibid.* See Jefferson's Manual, Sec. XX.

desires the floor; nor more than twice on the same subject under the same motion; nor longer than ten[16] minutes, unless his time be extended by the Conference.

RULE 12. The main proposition shall be open to debate under the following motions: To adopt; to commit with instructions; to adopt a substitute; and to postpone indefinitely.[17]

RULE 13. Subsidiary motions shall have the following order of precedence:[18] (1) To lay on the table; (2) The pending question;[19] (3) The previous question;[20] (4) To postpone to a definite time; (5) To commit; (6) To postpone indefinitely; (7) To amend.

RULE 14. A substitute shall consist of a minority report or a resolution, and the motion to adopt it shall be a rival principal question, in order while an amendment to the principal proposition is pending.[21] To substitute shall require a motion to adopt, and

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[16]Journal, 1922, p. 123.

[17]Introduced in 1914 (Journal, 1914, p. 111), and on the well-known legal maxim, *inclusio unius est exclusio alterius*, confines the discussion of the main question to the motions designated. In some respects it differs from usual parliamentary practice.

[18]Except the insertion of (2) and the precedence given to (6) over (7), this order accords with the usual parliamentary practice. This precedence of (6) over (7) was introduced among us in 1910. Journal, 1910, p. 18.

[19]See note 3, p. 211. [20]See note 4, p. 211.

[21]This provision for a substitute and for the method of dealing with it is peculiar to our practice. By common parliamentary law a substitute cannot be amended. It was introduced among us in 1894 on the motion of John J. Tigert (Journal, 1894, pp. 69, 88). When first introduced the method of procedure was first to perfect the main question, then to perfect the substitute, then to vote on the substitute, then to vote on the main question. Since 1914 (see Journal, 1914, p. 112) the substitute has been on an equality with the minority report, and becomes a rival resolution. In such a parliamentary situation the order of procedure is to perfect the substitute, then to perfect the main question, then to vote on the substitute, which, if adopted, is the final action in that matter.

shall be subject to amendment the same as the principal question; after which the principal proposition shall be subject to amendment, an amendment to an amendment being allowed. After amendments have been made, or if no amendments are made, the vote shall be taken, first on adopting the substitute, and if adopted, it shall be final action of the Conference on the matter.

RULE 15. A subsidiary motion may be laid on the table without carrying any other with it.[22]

RULE 16. (a) A motion for the pending question[23] shall be decided without debate, and if adopted, the pending subsidiary question shall be put to a vote without further debate.

(b) A motion for the previous question[24] shall be decided without debate, and if adopted, all motions before the Conference shall be put to vote in their order without debate, except that in the case of the report from a committee the chairman or other representative of the committee shall have the right to a closing speech in support of the report.

RULE 17. To reconsider shall be in order at any time after the vote desired to be reconsidered on the day the vote was taken or immediately after the reading of the journal at the next daily meeting, and shall be moved by a member who voted with the prevailing side. After reconsideration has been or-

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[22]This is an innovation on the usual parliamentary practice, and was introduced among us in 1910. (Journal, 1910, p. 18.) Common parliamentary law gives to this motion the function to dispose of subsidiary questions and at the same time of the main question. Robert's Rules of Order, pp. 52, 53.

[23]See note 3, p. 211. This elaboration was introduced in 1910. Journal, 1910, p. 19.

[24]See note 4, p. 211.

dered, the question shall stand as it was just before the vote reconsidered was taken, but divested of the pending or previous question if either had been ordered.

RULE 18. (a) Only members within the Conference bar when the vote is taken shall be entitled to vote.

(b) Voting shall be by acclamation or show of hands, but any member may demand a division.[25]

(c) A majority of those voting, a quorum being present, shall decide all questions except the call for the ayes and nays, which shall be ordered by one-fifth of those voting; to amend or suspend the Rules of Order, to object to the consideration of a special order, or to consider a special order before the set time, and to propose or to ratify a change in the Constitution of the Church, each of which shall require a two-thirds majority, a quorum being present.[26]

(d) An amendment to a proposed change in the Constitution of the Church shall be adopted by a majority. A tie vote in the case of an appeal shall sustain the Chair.[27]

RULE 19. The Secretary shall keep a chronological record of orders of the day, of reports of committees, under Paragraph (b) of Rule 8, and of reports placed on record by vote. This record shall be called the Calendar,[28] and the matters of business placed on it shall be considered in order, unless by

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[25]Introduced in 1910. Journal, 1910, p. 19.

[26]Introduced in 1910 (Journal, 1910, p. 19), and in giving the majority the right to order the previous question it is an innovation. See note 4 above.

[27]This was inserted in the Rules in 1914. Journal, 1914, p. 113.

[28]This specification of the meaning of the word "Calendar" was inserted in 1910. Journal, 1910, p. 20.

a vote of a majority an item be taken up out of its order.

RULE 20. No member, unless unavoidably hindered by sickness or otherwise from being present, shall absent himself from the sessions of the Conference without leave.

RULE 21. These Rules of Order may be amended or changed by a two-thirds majority; but no change or amendment shall be in order unless the same is proposed in writing and has been referred to the Committee on Rules, which shall report thereon the next day.[29]

RULE 22. In all cases not specified by these rules "Robert's Rules of Order" shall be considered authority.[30]

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[29]The requirement of one day's possession by the Conference was inserted in 1914. Journal, 1914, p. 113. The present rule was adopted in 1922. Journal, 1922, p. 55.

[30] This was introduced in 1910. Journal, 1910, p. 20.

CHAPTER X.

FORMS OF OFFICIAL PAPERS.

THE following Forms are prepared for those who may find it convenient to use them.

NO. I.—CREDENTIALS OF AN ELDER.

Know All Men by These Presents,

That I, ——, one of the Bishops of the Methodist Episcopal Church, South, under the protection of Almighty God, and with a single eye to his glory, by the imposition of my hands and prayer (being assisted by the Elders present), have this day set apart —— for the office of an Elder in the said Methodist Episcopal Church, South, a man who, in the judgment of the —— Annual Conference, is well qualified for that work; and he is hereby recommended, to all whom it may concern, as a proper person to administer the Sacraments and Ordinances, and to feed the flock of Christ, so long as his spirit and practice are such as become the Gospel of Christ, and he continueth to hold fast the form of sound words, according to the established doctrines of the Gospel.

In testimony whereof, I have hereunto set my hand and seal, this —— day of ——, in the year of our Lord one thousand nine hundred and ——.

Done at ——.

NO. II.—CREDENTIALS OF A DEACON.

Know All Men by These Presents,

That I, ——, one of the Bishops of the Methodist Episcopal Church, South, under the protection of Almighty God, and with a single eye to his glory, by the imposition of my hands and prayer, have this day set apart —— for the office of a Deacon in the said Methodist Episcopal Church, South, a man who, in the judgment of the —— Annual Conference, is well qualified for that work; and he is hereby recommended, to all whom it may concern, as a proper person to administer the ordinance of Baptism, Marriage, and the Burial of the

Dead, in the absence of an Elder, and to feed the flock of Christ, so long as his spirit and practice are such as become the Gospel of Christ, and he continueth to hold fast the form of sound words, according to the established doctrines of the Gospel.

In testimony whereof, I have hereunto set my hand and seal, this —— day of ——, in the year of our Lord one thousand nine hundred and ——.

Done at ——.

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NO. III.—CERTIFICATE OF A MEMBER.

The bearer hereof, A—— B——, has been an acceptable member of the Methodist Episcopal Church, South, in C—— Station [Circuit, or Mission], G—— Conference.

J. E. E——,
Preacher in charge.

Columbus, Ga., Jan. 2, 19—.

NO. IV.—CERTIFICATE OF AN EXHORTER OR LOCAL PREACHER.

The bearer hereof, N—— M——, has been an authorized exhorter [or local preacher, or deacon, or elder] of the Methodist Episcopal Church, South, in R—— Station [Circuit, or Mission], G—— District, T—— Conference.

R. A——, P. E.,
or L. M. L——, P. C.

Galveston, Tex., Jan. 3, 19—.

NO. V.—EXHORTER'S LICENSE.

The bearer hereof, J. T——, having been duly recommended, and having been examined by the Quarterly Conference of —— Circuit [Station, or Mission], of —— District, of —— Annual Conference of the Methodist Episcopal Church, South, is hereby authorized to exhort, according to the rules and regulations of said Church.

Signed, in behalf of said Quarterly Conference,

J. W. H——, P. E.

Nashville, Tenn., Jan. 1, 19—.

NO. VI.—LOCAL PREACHER'S LICENSE.

The bearer hereof, ——, having been duly recommended by the Quarterly Conference of —— Charge, and having been examined, as the Discipline directs, by a committee of the District Conference of —— District of the —— Annual Conference of the Methodist Episcopal Church, South, is hereby authorized to preach the gospel, according to the rules and regulations of said Church.

Signed, in behalf of said District Conference,

J. B——, President.

T. P——, Secretary.

Date, June 1, 19—.

The license, upon inquiry into the gifts, grace, and usefulness of the bearer, may be annually renewed. Upon the renewal, a new paper may be issued, or the old one indorsed after this manner: "Renewed, by order of the District Conference, Dec. 2, 19—. ——, P. E."

The Discipline requires that all votes to license preachers shall be taken by ballot.

Whenever any elder, deacon, or licentiate shall remove from one circuit or station to another, he shall procure from the Presiding Elder of the District, or from the preacher having charge, a certificate of his official standing in the Church at the time of his removal, without which he shall not be received as a local preacher in other places. (Discipline.)

NO. VII.—RENEWAL OF LICENSE TO PREACH THE GOSPEL.

The —— District Conference of the Methodist Episcopal Church, South, held at —— on ——, satisfied with the gifts, grace, and usefulness of —— as a local preacher, has at this session renewed his license to preach the gospel for an additional year.

C. B. H——, President.

W. H. F——, Secretary.

NO. VIII.—RECOMMENDATION FOR DEACON'S ORDERS.

To the Bishop and Members of the —— Annual Conference of the Methodist Episcopal Church, South, to be held at ——, Dec. 8, 19—.

DEAR FATHERS AND BRETHREN: J. W. B——, having been for —— years consecutively a local preacher, and having

been duly examined as the Discipline directs by a committee of the District Conference of —— District, of —— Annual Conference of the Methodist Episcopal Church, South, is hereby recommended as a suitable person to be ordained deacon.

Signed, in behalf of said District Conference,

J. C. K——, President.

W. H. F——, Secretary.

New Orleans, La., Oct. 4, 19—.

The Discipline requires that all votes to recommend preachers for deacon's orders shall be taken by ballot.

"The District Conference shall recommend suitable candidates to the Annual Conference for deacon's or elder's orders, in the local connection." Nor shall any one be recommended "for ordination without passing before a committee of three, to be appointed by the Presiding Elder, an approved examination in the Course of Study prescribed by the Bishops for such candidates." (Duties of the District Conference.)

NO. IX.—RECOMMENDATION FOR ELDER'S ORDERS.

To the Bishop and Members of the —— Annual Conference of the Methodist Episcopal Church, South, to be held at ——, Dec. 8, 19—.

DEAR FATHERS AND BRETHREN: H. P. L——, having been a local preacher —— years consecutively from the time he was ordained deacon, and having been duly examined as the Discipline directs by a committee of the District Conference of —— District, of —— Annual Conference of the Methodist Episcopal Church, South, is hereby recommended as a suitable person, and qualified by talents and usefulness, and his knowledge of doctrine and discipline, to be ordained elder.

Signed, in behalf of said District Conference,

H. B. C——, President.

J. W. H——, Secretary.

Richmond, Va., Nov. 2, 19—.

To the above should be appended a certificate to the following effect:

"This certifies that I believe in the doctrine and discipline of the Methodist Episcopal Church, South.

"Signed, H. P. L——."

The Discipline directs that the local deacon, if he cannot attend, shall send to the Annual Conference, along with his recommendation, "a note certifying his belief in the doctrines and discipline of our Church—the whole being examined by the Annual Conference." It is recommended, for obvious reasons, that in all cases his signature be appended to a note similar to the above, whether he expects to attend or not.

The Discipline requires that all votes to recommend a preacher for elder's orders shall be taken by ballot.

NO. X.—RECOMMENDATION FOR ADMISSION ON TRIAL INTO THE TRAVELING CONNECTION.

To the Bishop and Members of the —— Annual Conference of the Methodist Episcopal Church, South, to be held at ——, Nov. 25, 19—.

DEAR FATHERS AND BRETHREN: W. H. C——, having been examined as the Discipline directs by a committee of the District Conference of —— District, of —— Annual Conference of the Methodist Episcopal Church, South, according to the rules and regulations of the same, is hereby recommended as a suitable person for admission on trial into the traveling connection.

Signed, in behalf of said District Conference,

O. R. B——, President.

A. J. N——, Secretary.

The Discipline requires that all votes to recommend preachers for admission into the traveling connection shall be taken by ballot.

"*Question* 1. How is a preacher to be received?

"*Answer*. By the Conference."

Thus stood the rule in 1787.[1] In 1792[2] it was added,

"But no one shall be received, unless he first procure a recommendation from the Quarterly Meeting of his circuit."

In 1866[3] a course of study was prescribed, and an approved examination upon it made an additional condition of reception.

"No one shall be admitted on trial unless he first procure a recommendation from the District Conference of his circuit, station, or mission, or from the Licensing Committee of the District Conference; nor shall a vote be taken upon the admission of any candidate who has not passed an approved examination upon the Course of Study prescribed by the Bishops, before a committee appointed by the Conference for the purpose." (Discipline.)

[1]Discipline, 1787, p. 11.

[2]Discipline, 1792, p. 23.

[3]Journal, 1866,. p. 137.

NO. XI.—RECOMMENDATION FOR READMISSION INTO THE TRAVELING CONNECTION.

To the Bishop and Members of the —— Annual Conference of the Methodist Episcopal Church, South, to be held at ——, Sept, 11. 19—.

DEAR FATHERS AND BRETHREN: P. S. H—— is hereby recommended by the District Conference of —— District, of —— Annual Conference of the Methodist Episcopal Church, South, according to the rules and regulations of the same, as a suitable person for readmission into the traveling connection.

Signed, in behalf of said District Conference,

J. D. H——, President.

E. M. M——, Secretary.

Date, Aug. 5, 19—.

NO. XII.—RECOMMENDATION FOR RECOGNITION OF ORDERS.

To the Bishop and Members of the —— Annual Conference of the Methodist Episcopal Church, South, to be held at ——, Dec. 8, 19—.

DEAR FATHERS AND BRETHREN: J. W. S——, having been received into the Methodist Episcopal Church, South, from the —— Church, and having given satisfaction to the District Conference of —— District, of —— Annual Conference, of his ordination as a ——, according to the forms of the —— Church, and having been duly examined as to his qualifications, and his agreement with the doctrine and discipline of the Methodist Episcopal Church, South, is judged a suitable person to preach the gospel, and to exercise the functions of a deacon; and he is hereby recommended for the recognition of his orders as such.

C. W. K——, President.

T. R. D——, Secretary.

The above form is applicable to one who desires to unite with our Church as a local minister in orders.

"Ministers of other Churches, who may desire to unite with us as local preachers, may be received by a District Conference. (Discipline, Of Receiving Ministers from Other Churches.)

Itinerant ministers, in an accredited branch of the Methodist Church, may be received at once into full connection without being required to pass through

the Course of Study upon taking our ordination vows, provided they are "duly accredited" as ministers or elders, and that they agree with us in doctrine, discipline, government, and usages; provided, also, that the Conference is satisfied with their gifts, grace, and usefulness.

NO. XIII.—CERTIFICATE OF RECOGNITION OF LOCAL PREACHER'S ORDERS.

This is to certify that J. B. H—— has been received as a local preacher on —— Circuit, —— Conference, he having been ordained to the office of —— according to the usages of the —— Church, of which he has been a member and minister; and he is hereby authorized to exercise the functions pertaining to his office in the Methodist Episcopal Church, South, so long as his life and conversation are such as become the gospel of Christ.

Given under my hand and seal at —— this —— day of ——, in the year of our Lord ——.

——.

NO. XIV.—CERTIFICATE OF RECOGNITION OF ORDERS.

This is to certify that —— has been admitted into the —— Conference as a traveling preacher [or has been received as a local preacher on —— Circuit], he having been ordained to the office of deacon [or an elder, as the case may be], according to the usages of the —— Church, of which he has been a member and minister; and he is hereby authorized to exercise the functions pertaining to his office in the Methodist Episcopal Church, South, so long as his life and conversation are such as become the gospel of Christ.

Given under my hand and seal, at ——, this —— day of ——, in the year of our Lord ——.

——.

NO. XV.—AUTHORITY TO EXERCISE FUNCTIONS OF ORDERS.

The bearer, J. K. L——, having been —— in —— Church, and having been received by the —— District Conference of —— Annual Conference of the Methodist Episcopal Church, South, as a local preacher, and having been recommended to the Annual Conference for the recognition of his orders as

——, he is hereby authorized to exercise the functions of —— until the next session of —— Annual Conference.

——, Bishop in charge.

Place ——. Date ——.

NO. XVI.—RESTORATION OF CREDENTIALS.

(APPLICATION BY A QUARTERLY CONFERENCE.)

To the Bishop and Members of the —— Annual Conference of the Methodist Episcopal Church, South, to be held at ——, Dec. 8, 19—.

DEAR FATHERS AND BRETHREN: M. N——, formerly a member of the —— Annual [or District] Conference, and deprived of his credentials by the same, having given satisfaction to the Quarterly Conference of —— Circuit [Station, or Mission], of —— District, of —— Annual Conference of the Methodist Episcopal Church, South, of his amendment; and having resided within the bounds of the said Quarterly Conference for —— years, and been admitted as a licentiate since ——, is hereby recommended to the —— Annual Conference for the restoration of his credentials, believing that the welfare of the Church would be promoted thereby.

Signed, in behalf of said Quarterly Conference,

A. L. G——, P. E.

M. T——, Secretary.

When a traveling preacher is deprived of his credentials they are filed with the Annual Conference of which he was a member. And "should he at any time give satisfactory evidence to said Conference of his amendment or innocence, and procure a certificate of the Quarterly Conference of the circuit or station where he resides, or of an Annual Conference which may have admitted him on trial, recommending to the Annual Conference of which he *was* formerly a member the restoration of his credentials, the said Conference may restore them." The restoration of the credentials of a local preacher is likewise provided for. (See Discipline.)

NO. XVII.—RESTORATION OF CREDENTIALS.

(APPLICATION BY AN ANNUAL CONFERENCE.)

To the Bishop and Members of the —— Annual Conference of the Methodist Episcopal Church, South, to be held at ——, Dec. 8, 19—.

DEAR FATHERS AND BRETHREN: O. P——, formerly a

member of B—— Annual [or Quarterly] Conference, and deprived of his credentials by the same, having given satisfaction to M—— Annual Conference of the Methodist Episcopal Church, South, of his amendment, and having been admitted on trial since ——, by said Conference, is hereby recommended to B—— Annual Conference for the restoration of his credentials, believing that the welfare of the Church will be promoted thereby.

Signed, in behalf of M—— Annual Conference,

——, Secretary. ——, President.

NO. XVIII.—CERTIFICATE OF TRANSFER.

The Rev. M. N. O—— is hereby transferred from the —— Annual Conference of the Methodist Episcopal Church, South, to the —— Annual Conference of the same Church, and appointed to ——.

Done at —— this —— day of ——, 19——.

——.

NO. XIX.—CERTIFICATE OF LOCATION.

The —— Annual Conference of the Methodist Episcopal Church, South, of which —— has been a member, consents that he shall cease to travel from this date. He is, therefore, authorized to exercise his ministry as a local —— in this Church, according to the rules and regulations ordained by the same. ——, President.

——, Secretary.

Done at —— this——day of ——, 19—.

NO. XX.—CERTIFICATE OF BAPTISM.

This certifies that I, ——, a —— of the Methodist Episcopal Church, South, on the —— day of ——, in the year of our Lord nineteen hundred and twenty——, in ——, State of ——, baptized ——, aged ——, the —— of ——.

G. W. W——, R. S.

APPENDIX.

DECISIONS BY COLLEGE OF BISHOPS.[1]

Ordination No Substitute for Examination.

A local deacon or elder, entering an Annual Conference on trial, is required to stand an examination on the full Course of Study exacted of other candidates for the itinerant ministry. (College of Bishops, 1870.)

The case out of which this decision arose was this: A local preacher was admitted on trial into an Annual Conference. He passed an approved examination on the First and Second Years' Course of Study, and was admitted into full connection; but declined to stand an examination on the Third Year's Course, on the ground that, being an elder in the traveling connection, he was not required to submit to the examination prescribed for candidates for elder's orders. The Course of Study is prescribed for ministers in the traveling connection; and though they cannot attain to orders without complying with it, nevertheless compliance with it is not dispensed with if they have been ordained in a local relation.

Remuneration of Supernumeraries.

To the question, "Is a supernumerary, who fills the term of his appointment according to the Discipline, entitled to a *pro rata* share of the funds contributed by the pastoral charge he is appointed to serve, in common with his colleague?" the Bishop answered: "The stewards may provide for the supernumerary according to their discretion in the case. The principle holds even here that 'the laborer is worthy of his hire.' It is lawful to pay him, but not customary. The relation is generally for the accommodation of the person receiving it.

[1]Most of the decisions of the College of Bishops will be found in the Manual in connection with the discussion of those points of law to which they are related. The following decisions, arranged as nearly as possible in the order of the "Contents" of the Discipline, refer to matters not treated in the Manual.

He gets the rest he needs from pastoral work, and devotes his time to secular and self-supporting business, retaining his position in the Conference, working as it may be convenient and he may feel able, and returning to the regular work of the itinerancy when practicable. He is usually attached to a charge already supplied and burdened to its full capacity for raising a support for the pastor; and there is no expectation in the Conference, the man, or the charge that an additional amount is to be raised for the supernumerary." The College concurs in this view, with the understanding that the Discipline is not specific in regulating the details of this relation, and much is left to circumstances and godly discretion." (College of Bishops, 1872.)

Supernumeraries Not Claimants on Conference Collection.

A supernumerary has no claim on the fund in the hands of the Board of Finance known as the Conference collection. (College of Bishops, 1872.)

Rights of Conference Claimants Living in Territory Transferred to Another Conference.

In equity Conference claimants living in the bounds of territory ceded by the General Conference from one Annual Conference to another should be ceded with the territory; but legally they continue to be claimants on the Annual Conference from which the territory is ceded. (College of Bishops, 1903.)

Where Is the Claim of a Superannuate?

The claim of a superannuate is on the Conference of which he is a member. (College of Bishops, 1892.)

Claimants on Conference Collection.

Only to superannuated preachers and the widows and orphans of itinerant preachers can funds collected for Conference claimants be appropriated. Location for any cause instantly cancels all claims on that fund both for the preacher

and for his family; but the Conference can levy an assessment and make an appropriation for any charitable object, though not so as to divert the collections taken for Conference claimants. (College of Bishops, 1913.)

Families of Probationers Not Beneficiaries.

Families of deceased preachers on trial are not beneficiaries on the superannuate fund; but only preachers in full connection with the Annual Conference and their dependent widows and children. (College of Bishops, 1922.)

Family Claims Cannot Be Renounced.

The voluntary renunciation by any member of an Annual Conference, during his lifetime, of his claims, for himself or his family, upon the Conference funds does not abrogate the subsequent claim of his widow and orphans; their claim being founded, according to the law of the Church, solely upon the relation which they sustain to him. Nor can any Conference enter into contract with one of its members to withhold from his widow or children their portion of said funds that the law has explicitly provided for them. (College of Bishops, 1870.)

Claims of Widows of Traveling Preachers.

Because the widow of a traveling preacher withdraws from our Church or unites with another denomination she does not forfeit her claim on the funds of the Church raised for Conference claimants; but it has been decided that "claims upon this fund may be forfeited by immoral conduct," and by parity of reason a person of responsible mind who withdraws from the Church and attacks it would thereby forfeit any claims on this fund, the facts to be determined by the records and law of the Church. (College of Bishops, 1920.)

Support of Superannuates.

The disciplinary provision, "that when a preacher breaks down in his work, and is placed on the superannuate list, his

claims should begin from the time he ceases to travel," applies only to those superannuates whose support was cut off in the midst of the year. (College of Bishops, 1899.)

Orphan Children of Deceased Members.

A daughter of a deceased traveling preacher, twenty-one years of age, sound in mind and body, is not a proper claimant on the funds of the Board of Finance. (College of Bishops, 1893.)

Woman Who Marries Superannuated Preacher Not a Claimant.

There is no lawful basis for an appropriation to a woman who becomes the wife of a preacher after he has ceased to be effective. (College of Bishops, 1923.)

Women Not Preachers and Not to Be So Recognized.

The Discipline of the Methodist Episcopal Church, South, does not recognize the employment of women as preachers of the word, with authority to occupy the pulpit in reading the Holy Scriptures, and in preaching the same, as ministers of the Lord Jesus Christ; nor does it authorize a pastor in charge of a station, circuit, or mission of said Church to invite a woman claiming to be a minister of the Lord Jesus Christ to occupy the pulpit of said Church, to expound the Scriptures as a preacher of the word; and such invitations given and services so rendered offend against the authority and order of said Church. (College of Bishops, 1896.)

Probation in Conference (Not Calendar) Years.

A preacher who has traveled two *Conference* years, even though not twenty-four months, may be admitted into full connection. (College of Bishops, 1877.)

A Preacher Appointed to Teach a Public School.

A probationer appointed to teach a public school is entitled to have the time spent in that work to count on the time required for admission into full connection or for ordination. (College of Bishops, 1915.)

Presence Necessary in Order to Be Admitted into Full Connection.

Except a missionary employed on a foreign mission, who may be admitted in his absence from the Annual Conference on the recommendation of the superintendent of the mission, those who ask to be received into full connection must be present, and must be approved by the Annual Conference. (College of Bishops, 1915.)

Renting Parsonage Property.

With the consent of the Quarterly Conference, a preacher in charge may rent the parsonage and occupy another residence. (College of Bishops, 1887.)

Rental of Parsonages.

It is not in harmony with our Discipline to require rental from our preachers who use parsonages provided by the Church for their use and occupancy. (College of Bishops, 1901.)

Rental of Parsonage, When Due to Legal Occupant.

Trustees, acting under the authority of the Quarterly Conference, may apply the rent of a parsonage to the benefit of a preacher or a presiding elder who declines to occupy it for reasons they judge to be valid and sufficient; but the rent cannot be claimed as a right by a preacher or presiding elder unless the parsonage be impracticable as a place of residence. (College of Bishops, 1896.)

Collections Taken on Sunday School Day.

Collection taken on Sunday School Day cannot be used for any other purpose than that designated by the General Conference. (College of Bishops, 1890.)

Intoxicating Liquors.

On his trial, the accused admitted that he was engaged in the sale of intoxicating liquors by the quantity and by the

drink, with the reasonable knowledge that it was bought to be used as a beverage, but his defense was that there was no law violated. From the decision of the Committee of Trial expelling him he appealed to the Quarterly Conference, which affirmed the decision of the committee. The accused desired that the case might come before the bishop presiding at the Annual Conference; and to give his wish effect, the Quarterly Conference, although deeming the verdict and judgment just, under the construction of the law rendered, appealed from the decision of the presiding elder to the bishop on the question of law: "Does the sale of intoxicating liquors, by the large or small quantity, to be used as a beverage, constitute an actionable offense under Methodist law, as found in the General Rules requiring the avoidance of evil of every kind, and the doing of no harm—these General Rules themselves being based upon the written word of God?" The plea of the absence of specific law was relied on by the defendant in the case referred to. The preacher in charge decided that the case was actionable under the General Rule; and on appeal this ruling was sustained by the presiding elder.

Decided, That both were correct in the ruling. (College of Bishops, 1874.)

Dancing.

It is contrary to the spirit of the Discipline and of the New Testament to teach modern dancing, or to practice promiscuous dancing, and such a case comes under the rule of the Discipline forbidding "improper tempers, words, or actions." (College of Bishops, 1858.)

Withholding Missionary Appropriations.

Missionary money was appropriated to a pastoral charge. The presiding elder directed the stewards to make a *pro rata* division between the pastor and himself. Because of the absence of the preacher in charge on account of sickness in his family, a supply was appointed. The following decisions were approved by the College:

"1. Only for the delinquency of the pastor can a presiding

elder withhold from him any part of the mission funds appropriated to the charge.

"2. A pastor not deserting or willfully neglecting a charge, who employs a brother in good standing to labor during his absence, forfeits nothing under the Discipline.

"3. When a pastor, present on his charge or absent from it, fails to do his work, because of the extreme sickness of his wife or child, present or absent, this failure to do the work assigned him is 'necessary' failure in a disciplinary sense; and his resumption of his work at the earliest practicable time, in the absence of other proof, is *evidence* of his *intention*.

"4. A presiding elder can make a *pro rata* distribution of quarterage only among preachers placed by his decision or otherwise on the same basis.

"5. A presiding elder is morally bound to refund money diverted by his act from its legitimate claimant." (College of Bishops, 1858.)

Distribution of Missionary Funds between Preacher and Presiding Elder.

A Conference Board of Missions has authority to determine whether an appropriation made by it to a mission shall be divided between the presiding elder and the preacher in charge, or whether the whole appropriation shall be paid to the preacher in charge. (College of Bishops, 1894.)

Division of Missionary Anniversary Collections.

When donors desire to give specific direction to their contributions on anniversary occasions, they cannot be denied the right. The disciplinary provision that the "proceeds" from the "anniversary meeting at each session of the Conference" "Shall be equally divided between the General Board and the Annual Conference Mission Board," refers to the division of funds not thus specifically directed by the donors. (College of Bishops, 1891.)

Appropriation of Mission Funds.

An Annual Conference Mission Board cannot appropriate any part of its funds to other than mission charges, known

and recognized as missions on their minutes. (College of Bishops, 1890.)

Credits Not Allowed to Treasurers of Annual Conference Boards.

The treasurer of the General Board of Missions, in his account with an Annual Conference, may not credit that Conference with an amount raised within its limits for the support of a mission for which no estimate was made by the General Board, and which is consequently not embraced in the assessment made on that Conference for the support of its missions. (College of Bishops, 1892.)

Lay Members of Board of Finance.

It is not required that lay members of the Board of Finance should be members of the Annual Conference, but there must be one *from*, as well as *for*, each District. (College of Bishops, 1871.)

Board of Finance.

When a question between a preacher and his stewards is referred for settlement, by either party to the controversy, to the Board of Finance, before the Board can render a decision the other party must by due notice have opportunity to make statements. (College of Bishops, 1871.)

Pro Rata Division of Receipts.

A disagreement between a presiding elder and a preacher in his district was referred for adjustment to the Board of Finance.

The following questions were submitted to the presiding bishop:

Question 1. "By law the district stewards shall apportion the claim of the presiding elder among the several charges, and the Board of Stewards must add this amount to the claim of their pastor. Can that Board make any other than a *pro rata* division of the funds collected?"

Answer (by the President). "No."

Question 2. "If other than a *pro rata* division be made by

the Board, must the one receiving more than his proportion refund the excess to the other?"

Answer (by the President). "Yes."

Question 3. "In settling between the two a disagreement concerning receipts, can the Board consider the manner in which each has performed his duty?"

Answer (by the President). "No; for this both are responsible only to the Annual Conference." (College of Bishops, 1876.)

Produce of the Publishing House.

The produce of the Publishing House set apart for superannuated preachers and the widows and orphans of preachers should, by the Board of Finance, be added to the Conference collection, and distributed among the claimants according to their best judgment of their several necessities. (College of Bishops, 1889.)

Financial Plan.

An Annual Conference adopted a plan for raising the amount necessary to relieve its superannuated members, and the widows and orphans of preachers who had died in the work. The main item of the plan required every preacher to collect a sum on his account equal to five per cent of his salary receipts; and failing to do this, in the absence of excuse, to pay the amount out of his receipts.

A member, who had not taken up the collection, paid his five per cent to the Board of Finance under protest, on the ground that the plan is unconstitutional and void, and this question was duly presented for decision.

Decided, That as each Annual Conference is, by the law authorized to adopt its own method of raising money to pay its claimants (which includes superannuated preachers and the widows and orphans of preachers), the Conference is authorized to adopt and maintain its plan. (College of Bishops, 1874.)

Power of Board over Trustees and Stewards.

Neither trustees nor stewards have the right to apply money raised for the support of the pastor to the payment

of other Church debts; and it is lawful for a Board of Finance, when appealed to in such a case, to decide that any funds so misapplied be repaid to the proper claimant. Such a claim is not forbidden by the clause of Discipline which says of the Board: "But in no case shall they allow any preacher to have a claim on the Church he has served, as of debt, after his pastoral connection has ceased." (College of Bishops, 1871.)

Board of Finance.

An appropriation may be made by the Board of Finance to one whose claim has arisen since the preceding session of the Conference. (College of Bishops, 1894.)

Powers of Board of Finance.

The Board of Finance may reserve as much of the funds in their hands as may be necessary to pay during the year the funeral expenses of deceased claimants, and to relieve claimants who, by reason of sickness or other causes, may be brought into unforeseen need or distress, the Conference having the right to approve, recommit, or amend their report. (College of Bishops, 1893.)

Board of Reference.

Less than three members cannot constitute a "Board of Reference" to act for two pastoral charges having claims on property. (College of Bishops, 1901.)

Equities in Parsonages.

A charge transferred from a district or circuit with a parsonage to which it has contributed, to another district or circuit without a parsonage, has a right to call for a "Board of Reference" to determine its equities, even though other charges involved in the readjustment of the district or circuit lines have set up no claim to any equities. (College of Bishops, 1914.)

Equities in Parsonage Property, When General Conference Divides Charge.

The section in the Discipline entitled "Of the Division, Transfer, or Sale of Church Property" having reference to the equities in parsonage property where the division of a pastoral charge has been effected applies alike where the division is made by the General Conference and in other cases. (College of Bishops, 1897.)

Division of Pastoral Charge.

When a pastoral charge has been divided, and a "Board of Reference" has been created to arbitrate the rights and equities in the parsonage property, the Board cannot, in the absence of evidence, assume that one of the subdivisions has no right in the property, and decline to perform the function for which it was created. (College of Bishops, 1901.)

When a School Becomes Church Property.

No educational institution can become the property of the Church till it is accepted by the Conference, on the recommendation of the Board of Education. (College of Bishops, 1900.)

Institutions of Learning Under Care of the Conference.

An institution of learning is under the care of the Annual Conference when it has been formally adopted by the vote of the Conference, independently of the question of the legal title of the property. (College of Bishops, 1893.)

Report of Board of Education.

A report of the Board of Education may be amended by the Annual Conference to which it is made. (College of Bishops, 1902.)

When Special Donations for Education May Be Credited on Appropriation.

Special donations made by a member or congregation to the cause of education cannot be credited on the payment of the

regular assessment of the Conference unless turned over to the Board of Education of the Conference to be used in payment of its appropriations. (College of Bishops, 1898.)

Educational Statistics.

The Annual Conference Board of Education should, in its report to the Conference, answer the question, "What are the educational statistics?" (College of Bishops, 1889.)

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